



KENTUCKY DEPARTMENT OF WORKERS' CLAIMS

ANNUAL REPORT 2008/2009

Commonwealth of Kentucky Department of Workers' Claims

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Frankfort, Kentucky 40601
(502) 564-5550

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Dwight T. Lovan

WORKERS' COMPENSATION BOARD
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Donna H. Terry (6/23/08-12/31/08)
J. Landon Overfield (1/1/09-6/30/09)
Acting Chief Administrative Law Judge
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Table of Contents

Commissioner's Letter to Governor Beshear	5
Department of Workers' Claims Organizational Chart	7
Program Statistics	8
First Reports of Injury	9
Distribution of Lost Time Injuries by SIC	10
Workers' Compensation Claims	11
Distribution of Claims by Body Part	12
Comparison of County Labor Force, FROIs and Claims	13
Injuries to Minors	16
Work Related Fatalities	17
Fiscal Performance	18
DWC Personnel Ad Budget History	19
Programs and Performance	20
Office of Administrative Services	21
Forms	22
Technical Support	23
Design and Development	25
Office of General Counsel	26
Administrative Law Judges	27
Summary of Kentucky Supreme Court Workers' Compensation Cases	33
Claims Processing & Appeals	36
Claims Branch	37
Information & Research	39
Records Branch	40
Imaging Branch	43
Security & Compliance	44
Self-Insurance Branch	45
Coverage Branch	45
Enforcement Branch	46
Division of Ombudsmen & Workers' Compensation Specialist Services	48
Ombudsmen and Workers' Compensation Specialist Branch	49
Drug Free Workplace	51
Medical Services Branch	51
Managed Care	51
Fee Schedules	52
2008 Physicians Fee Schedule	52
Hospital Fee Schedule	52
Utilization Review/Medical Bill Audit	53
University Evaluations	53
B-Reader Consensus Panel and Black Lung	54
Vocational Rehabilitation	54
Publications	55
2009 Schedule of Weekly Workers' Compensation Benefits	56
Kentucky Workers' Compensation Adjudication Timeline	58
Key Personnel	60

Developed by DWC Division of Information and Research
 Fran Davis, Director
 Kim McKenzie, Resource Management Analyst II

Kentucky Department of Workers' Claims



Mission Statement:

Resourceful administration of Kentucky's workers' compensation program with equitable and expedient processing of claims

Performance Objectives:

- Assure prompt delivery of statutory benefits, including medical services and indemnity payments
- Provide timely and competent services to stakeholders
- Foster stakeholder knowledge of rights and responsibilities under the Workers' Compensation Act
- Encourage stakeholder involvement in the development of policy and delivery mechanisms
- Provide the public and policy makers with accurate and current indicators of program performance
- Anticipate changes in the program environment and respond appropriately

No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Labor Cabinet.

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This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provisional services.



Steven L. Beshear
Governor

Daniel Mongiardo
Lieutenant Governor

KENTUCKY LABOR CABINET
Department of Workers' Claims

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Frankfort, KY 40601
Telephone: (502) 564-5550
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J. R. Gray
Secretary

Mark S. Brown
Deputy Secretary

Dwight T. Lovan
Commissioner

November 3, 2009

The Honorable Steve L. Beshear
Governor of Kentucky
Capitol Building
700 Capitol Avenue, Suite 100
Frankfort, Kentucky 40601

Dear Governor Beshear:

In accordance with KRS 342.230(2) and KRS 342.435, I have the privilege to submit to you the Annual Report of the Department of Workers' Claims for fiscal year 2008-2009. This Annual Report thoroughly details actions taken by this agency to assure prompt delivery of statutory benefits in an efficient manner.

Highlighted in this report are initiatives the Department of Workers' Claims has taken during the fiscal year, implementing the administrative and adjudicative provisions of the Workers' Compensation Act (KRS Chapter 342).

The Department continues to work closely with business and labor, the legal arena and the insurance and health care industries to develop ideas which will enhance the workers' compensation system while delivering high quality service to the constituents of the Commonwealth of Kentucky.

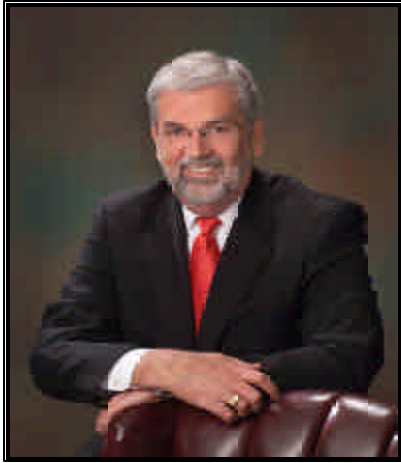
Through its personnel and operating systems, the Department of Workers' Claims stands equipped to continue to refine initiatives introduced in the past while meeting the inevitable challenges of the future. It has been a distinct pleasure to serve, and I thank you for your encouragement and support.

Sincerely,

Dwight T. Lovan, Commissioner
Department of Workers' Claims



An Equal Opportunity Employer M/F/D



**Dwight T. Lovan
Commissioner**

Commissioner Dwight T. Lovan received his Bachelor's degree from Baylor University and J.D. from the University of Kentucky College of Law. Admitted to the Kentucky Bar in 1977, Commissioner Lovan worked as a staff attorney for the Kentucky Court of Appeals with responsibility for workers' compensation appeals for 15 months. From 1979 to 1990 he practiced law in Owensboro, concentrating in the areas of workers' compensation and civil litigation.

In May of 1990, Commissioner Lovan was appointed Administrative Law Judge and remained in that position until August of 1994 when he was named to the Kentucky Workers' Compensation Board. Between July 2000 and January 2004, Commissioner Lovan served as Chairman of the Kentucky Workers' Compensation Board before returning to private practice in the firm of Jones, Walters, Turner and Shelton.

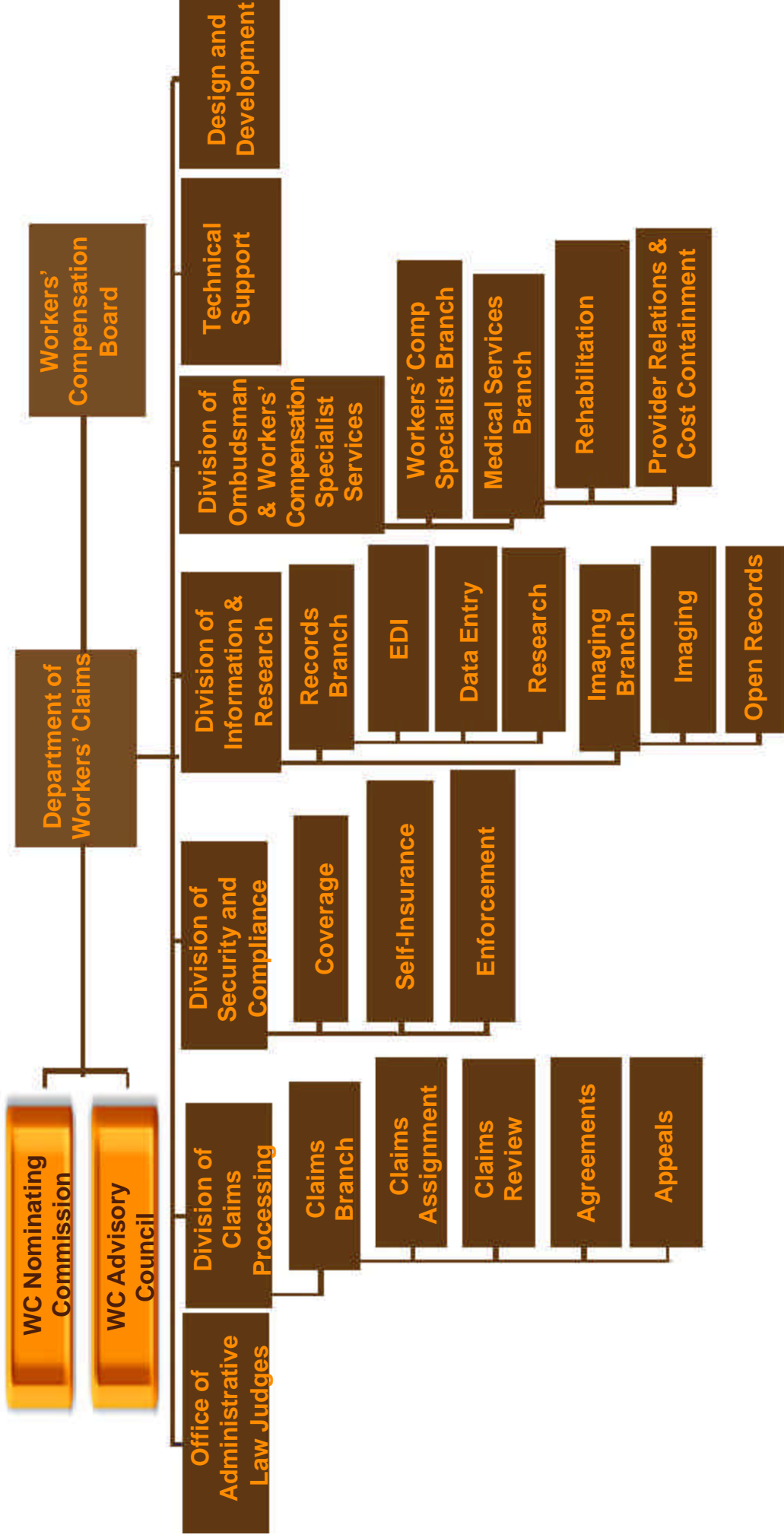
By executive order signed on February 7, 2008, Mr. Lovan was appointed to serve as the Commissioner of the Department of Workers' Claims.



**Wayne Logan
Deputy Commissioner**

Deputy Commissioner Robert Wayne Logan has been with the Kentucky Labor Cabinet for over 25 years, having started as an interim employee in 1983. After receiving his associate degree from Fugazzi Business College, he became a full-time employee in June 1984 and has served in various positions in the Department of Workers' Claims. He was appointed as Deputy Commissioner in October 2008. Deputy Commissioner Logan resides in Woodford County with his wife Kelly and two children.

Department of Workers' Claims
Organizational Structure



A woman with dark hair, wearing a dark blazer over a light-colored collared shirt, stands behind a wooden podium. She is gesturing with her right hand while speaking. In the foreground, the back of a person's head and shoulders are visible, looking towards the speaker. The background is a whiteboard with faint, handwritten text including "Once when", "helit", "tech", and "Con".

Program Statistics

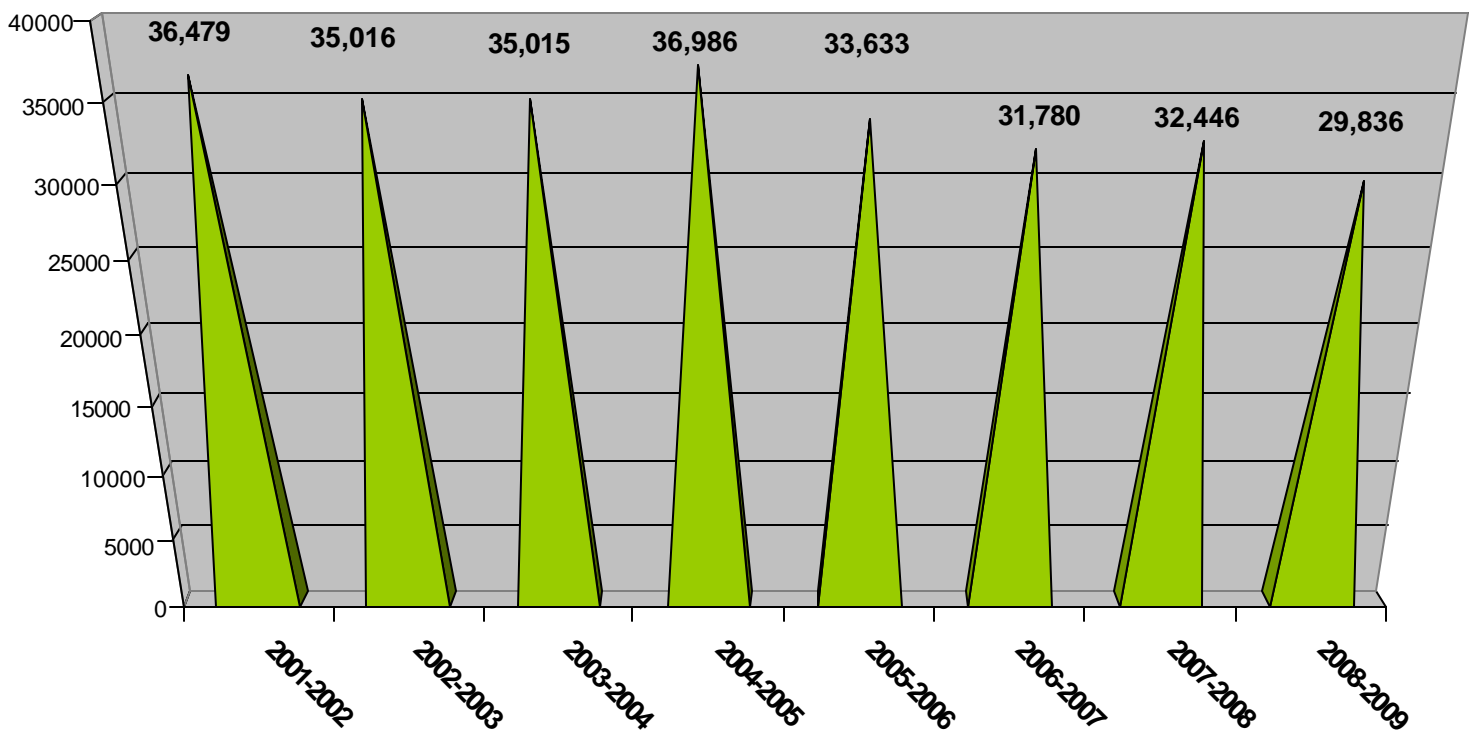
First Reports of Injury

Kentucky Revised Statute 342.038 mandates that employers keep a record of all employee workplace injuries or fatalities. Upon employee notification, when more than one day of work is lost, the employer has three days to inform its workers' compensation insurance carrier or third party administrator. These entities then have one week after notification of the injury or fatality to file a First Report of Injury with the Department of Workers' Claims. Failure to comply with this reporting requirement may result in penalties pursuant to KRS 342.990.

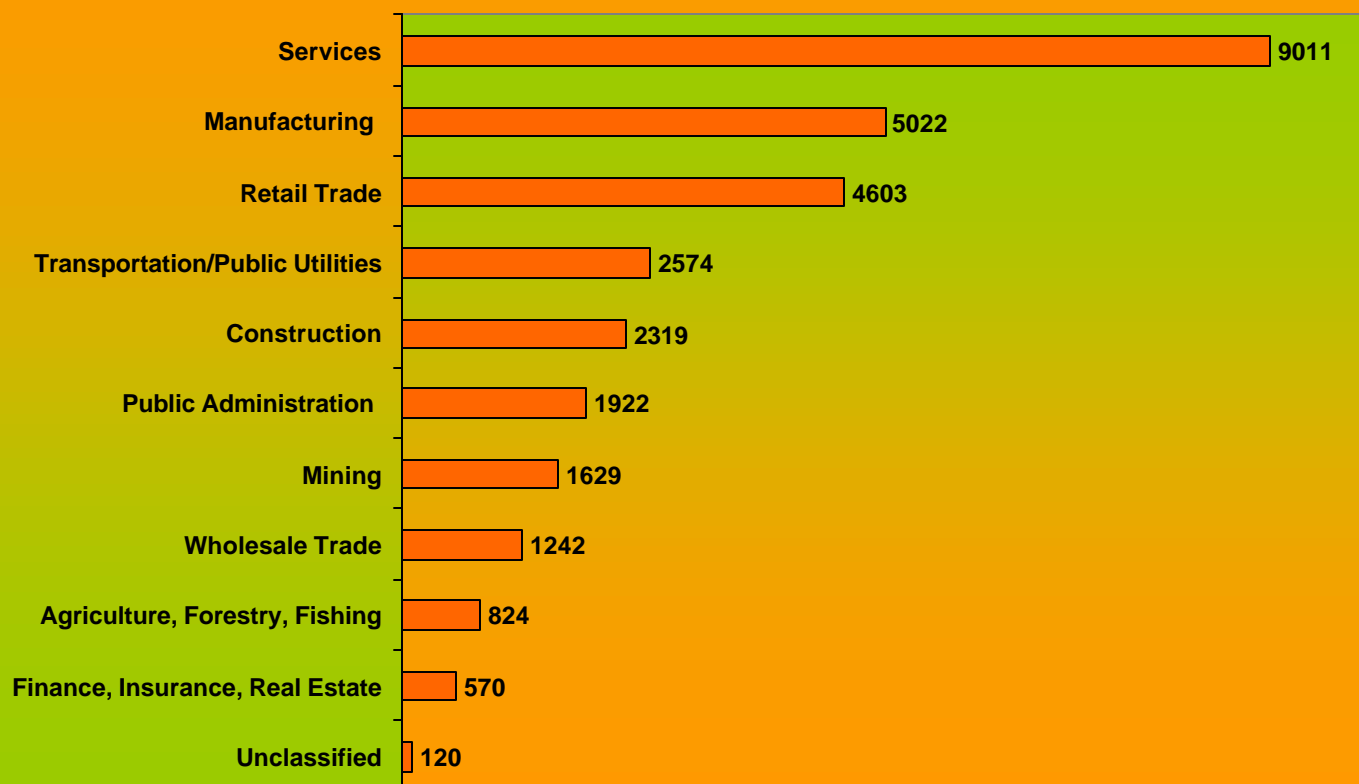
In fiscal year 2008-2009, there were 29,836 lost time First Reports of Injury filed with the Department of Workers' Claims. This is the lowest number the Department has had in the past seven years. Of these first reports, 39 percent were filed timely and 34 percent were subject to penalties.

The three most common causes of work-related injuries reported in fiscal year 2008-2009 were falls or slips (6,015), lifting (3,856) and strains (2,849).

First Reports of Injury by Fiscal Year



First Report of Injury (FROIs) by Standard Industrial Classification Category



A review of the nature of injuries revealed that there were 10,156 strains and 3,319 contusions reported. These two categories account for 46 percent of all reported injuries. Fractures accounted for 2,219 of the injuries received by the Department of Workers' Claims.

Of the information that was reported, the low back area (including lumbar and lumbosacral) had the highest number of injuries (4,667). The second most commonly injured area was multiple body parts (3,731) and third was injuries to the knee (2,739). This closely mimics the lost time reports of the last two fiscal years.

FROIs by Nature Type

Coal Workers' Pneumoconiosis (CWP)	110
Hearing Loss	135
Injury	28,692
Other Occupational Disease	899

Workers' Compensation Claims

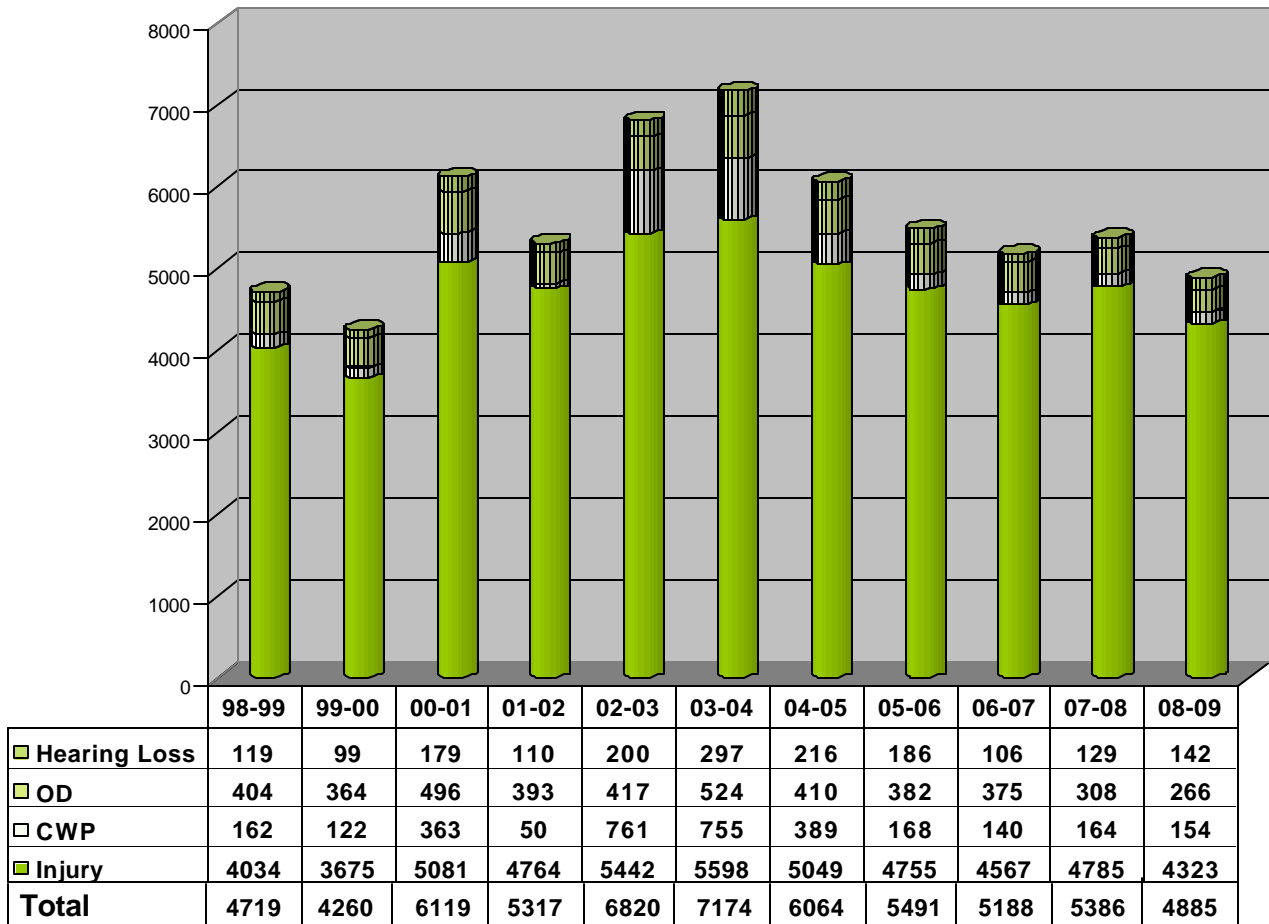
A workers' compensation claim in Kentucky originates when one of two things happens: A settlement document is filed to voluntarily resolve workers' compensation issues between parties or a claim application is filed because the parties are not in agreement and the matter must be resolved by an Administrative Law Judge.

Workers' compensation claims are typically divided into two types: indemnity and medical-only. Indemnity claims are those for which income benefits are paid to compensate for lost wages, functional impairment or death. Medical service costs are paid in addition to income payments.

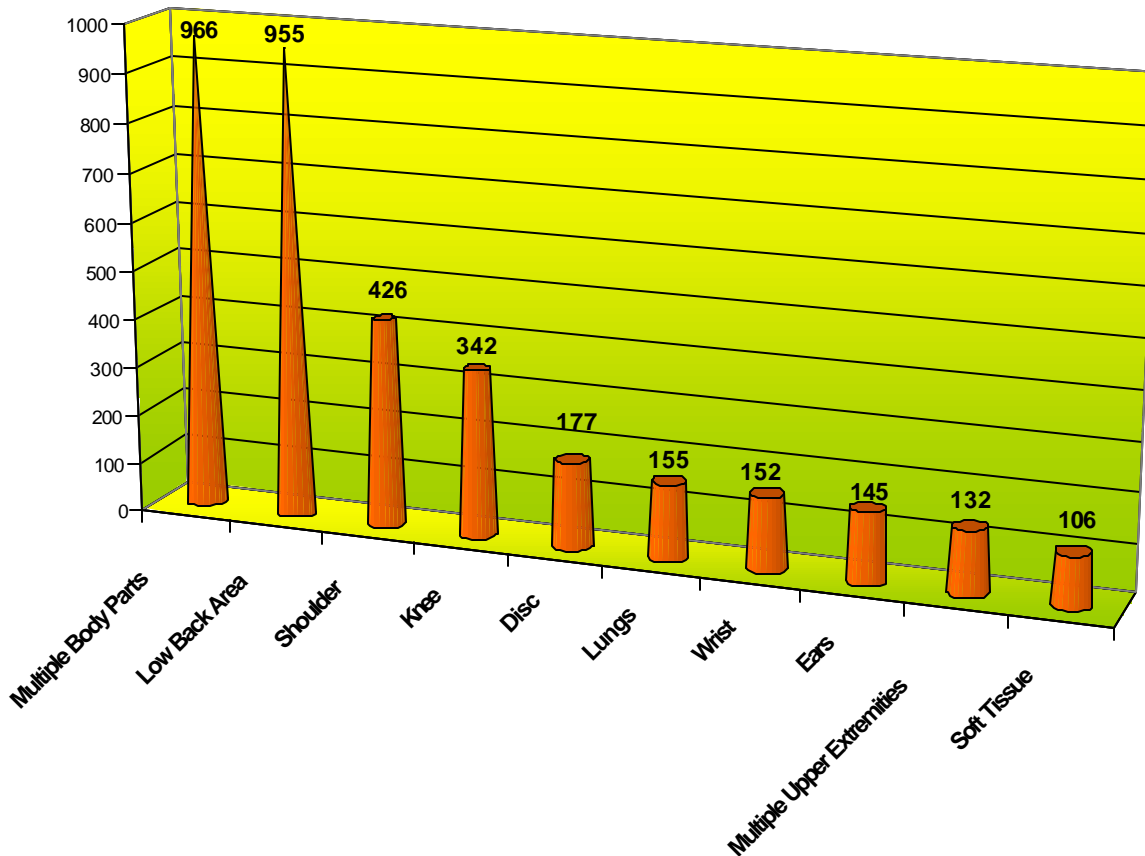
Most of the data in this report pertains to indemnity claims. For an injury to be compensable, it must be a direct result of the employee's work. To be considered for temporary total income benefits, an injured worker must miss more than seven days of work. Medical-only claims are those where medical services are delivered but the employee does not qualify for income benefits.

In fiscal year 2008-2009, there were 4,885 applications for resolution of claims filed with the Department of Workers' Claims. This is the lowest amount of applications since FY 1999-2000.

Program Statistics



Distribution of Claims by Body Part Top Ten



Of the 4,885 claims that were filed this fiscal year, 1,638 claims were filed by females (33%) and 3,231 were filed by males (67%). There were 16 claims with no gender specified (less than 1%). The average age of those who filed claims with the DWC was 42 years.

The Standard Industrial Classification (SIC) category with the greatest number of claims filed was Services (1,102); Manufacturing was a close second with 999. The remaining SIC categories had the following number of claims: Mining (721), Retail Trade (558), Transportation/Public Utilities (486),

Construction (472), Public Administration (201), Wholesale Trade (154), Agriculture, Forestry, Fishing (75), Finance, Insurance, Real Estate (59), Unclassified (58).

In reviewing litigated injury claims, the three most common causes of injury during this reporting period were Lifting (752), Strains (423) and Falls, Slips, or Trips (310).

Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 08-09

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Adair	9,154	67	0.73%	6	8.96%
Allen	8,772	57	0.65%	11	19.30%
Anderson	11,015	75	0.68%	4	5.33%
Ballard	4,234	29	0.68%	4	13.79%
Barren	19,942	223	1.12%	29	13.00%
Bath	5,253	56	1.07%	8	14.29%
Bell	9,536	163	1.71%	42	25.77%
Boone	62,623	898	1.43%	101	11.25%
Bourbon	9,764	212	2.17%	21	9.91%
Boyd	23,162	444	1.92%	70	15.77%
Boyle	12,873	232	1.80%	37	15.95%
Bracken	4,367	23	0.53%	1	4.35%
Breathitt	5,638	60	1.06%	22	36.67%
Breckinridge	9,414	79	0.84%	3	3.80%
Bullitt	39,692	275	0.69%	31	11.27%
Butler	5,672	36	0.63%	5	13.89%
Caldwell	6,771	65	0.96%	9	13.85%
Calloway	17,893	172	0.96%	23	13.37%
Campbell	45,124	298	0.66%	29	9.73%
Carlisle	2,252	20	0.89%	4	20.00%
Carroll	5,747	93	1.62%	12	12.90%
Carter	13,657	97	0.71%	15	15.46%
Casey	7,269	61	0.84%	5	8.20%
Christian	29,475	431	1.46%	48	11.14%
Clark	17,527	286	1.63%	48	16.78%
Clay	6,916	82	1.19%	35	42.68%
Clinton	4,768	53	1.11%	6	11.32%
Crittenden	4,094	41	1.00%	10	24.39%
Cumberland	2,962	24	0.81%	2	8.33%
Daviess	48,426	619	1.28%	61	9.85%
Edmonson	5,465	20	0.37%	5	25.00%
Elliott	3,193	10	0.31%	2	20.00%
Estill	6,234	44	0.71%	8	18.18%
Fayette	151,456	2,669	1.76%	353	13.23%
Fleming	6,634	53	0.80%	6	11.32%
Floyd	15,355	440	2.87%	142	32.27%
Franklin	24,829	824	3.32%	79	9.59%
Fulton	2,691	37	1.37%	7	18.92%
Gallatin	4,012	35	0.87%	10	28.57%
Garrard	7,770	37	0.48%	3	8.11%
Grant	12,973	111	0.86%	16	14.41%
Graves	16,004	146	0.91%	20	13.70%
Grayson	11,380	113	0.99%	12	10.62%
Green	5,658	23	0.41%	3	13.04%
Greenup	17,818	130	0.73%	21	16.15%
Hancock	4,332	74	1.71%	17	22.97%
Hardin	48,321	464	0.96%	47	10.13%
Harlan	9,995	250	2.50%	90	36.00%

Program Statistics

Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 08-09

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Harrison	9,553	93	0.97%	8	8.60%
Hart	8,351	56	0.67%	2	3.57%
Henderson	23,258	351	1.51%	28	7.98%
Henry	7,955	74	0.93%	8	10.81%
Hickman	2,076	26	1.25%	1	3.85%
Hopkins	22,977	413	1.80%	50	12.11%
Jackson	4,199	37	0.88%	6	16.22%
Jefferson	360,446	5,978	1.66%	898	15.02%
Jessamine	23,027	314	1.36%	35	11.15%
Johnson	9,595	151	1.57%	43	28.48%
Kenton	84,977	893	1.05%	97	10.86%
Knott	6,310	104	1.65%	64	61.54%
Knox	12,962	99	0.76%	24	24.24%
Larue	7,165	29	0.40%	2	6.90%
Laurel	26,893	388	1.44%	99	25.52%
Lawrence	5,883	124	2.11%	36	29.03%
Lee	2,695	45	1.67%	11	24.44%
Leslie	3,579	55	1.54%	34	61.82%
Letcher	8,797	200	2.27%	78	39.00%
Lewis	5,852	20	0.34%	4	20.00%
Lincoln	10,816	61	0.56%	11	18.03%
Livingston	4,858	64	1.32%	5	7.81%
Logan	12,750	115	0.90%	15	13.04%
Lyon	3,363	44	1.31%	6	13.64%
Madison	43,221	480	1.11%	78	16.25%
Magoffin	4,341	72	1.66%	17	23.61%
Marion	10,713	136	1.27%	16	11.76%
Marshall	14,794	150	1.01%	26	17.33%
Martin	3,440	122	3.55%	60	49.18%
Mason	9,128	127	1.39%	16	12.60%
McCracken	31,664	460	1.45%	85	18.48%
McCreary	5,841	57	0.98%	4	7.02%
McClean	4,709	21	0.45%	2	9.52%
Meade	11,935	55	0.46%	4	7.27%
Menifee	2,727	18	0.66%	4	22.22%
Mercer	10,815	106	0.98%	22	20.75%
Metcalfe	4,590	27	0.59%	1	3.70%
Monroe	4,881	43	0.88%	2	4.65%
Montgomery	12,582	204	1.62%	47	23.04%
Morgan	4,997	38	0.76%	8	21.05%
Muhlenberg	13,680	154	1.13%	22	14.29%
Nelson	22,033	239	1.08%	32	13.39%
Nicholas	3,160	33	1.04%	1	3.03%
Ohio	12,789	151	1.18%	10	6.62%
Oldham	27,684	232	0.84%	23	9.91%
Owen	5,363	37	0.69%	3	8.11%
Owsley	1,519	21	1.38%	6	28.57%
Pendleton	7,526	52	0.69%	2	3.85%

Comparison by County Labor Force, Lost Time First Reports of Injury (FROIs) and Litigated Claims FY 08-09

County	Total Labor Force	FROIs	% of FROIs to Labor Force	Claims	% of Claims to FROIs
Perry	11,228	373	3.32%	124	33.24%
Pike	26,084	728	2.79%	358	49.18%
Powell	5,639	59	1.05%	9	15.25%
Pulaski	27,763	485	1.75%	93	19.18%
Robertson	995	2	0.20%	2	100.00%
Rockcastle	7,449	82	1.10%	7	8.54%
Rowan	12,577	116	0.92%	16	13.79%
Russell	8,556	83	0.97%	15	18.07%
Scott	22,658	582	2.57%	86	14.78%
Shelby	21,543	233	1.08%	33	14.16%
Simpson	9,706	152	1.57%	19	12.50%
Spencer	9,081	35	0.39%	4	11.43%
Taylor	14,052	150	1.07%	18	12.00%
Todd	5,354	46	0.86%	3	6.52%
Trigg	6,460	62	0.96%	12	19.35%
Trimble	4,434	32	0.72%	3	9.38%
Union	7,881	148	1.88%	15	10.14%
Warren	58,500	735	1.26%	95	12.93%
Washington	5,609	68	1.21%	8	11.76%
Wayne	8,785	84	0.96%	14	16.67%
Webster	6,543	104	1.59%	12	11.54%
Whitley	15,515	357	2.30%	64	17.93%
Wolfe	2,321	34	1.46%	4	11.76%
Woodford	13,321	307	2.30%	41	13.36%
Out-of-State		1,138		199	
Unknown		121		32	
Grand Total	2,062,635	29836	1.45%	4885	16.37%

Program Statistics

Workforce data provided by the Department of Workforce Investment.
 Agriculture is included in the total labor force numbers.
 Unknown numbers are due to insufficient reporting information.

Injuries to Minors

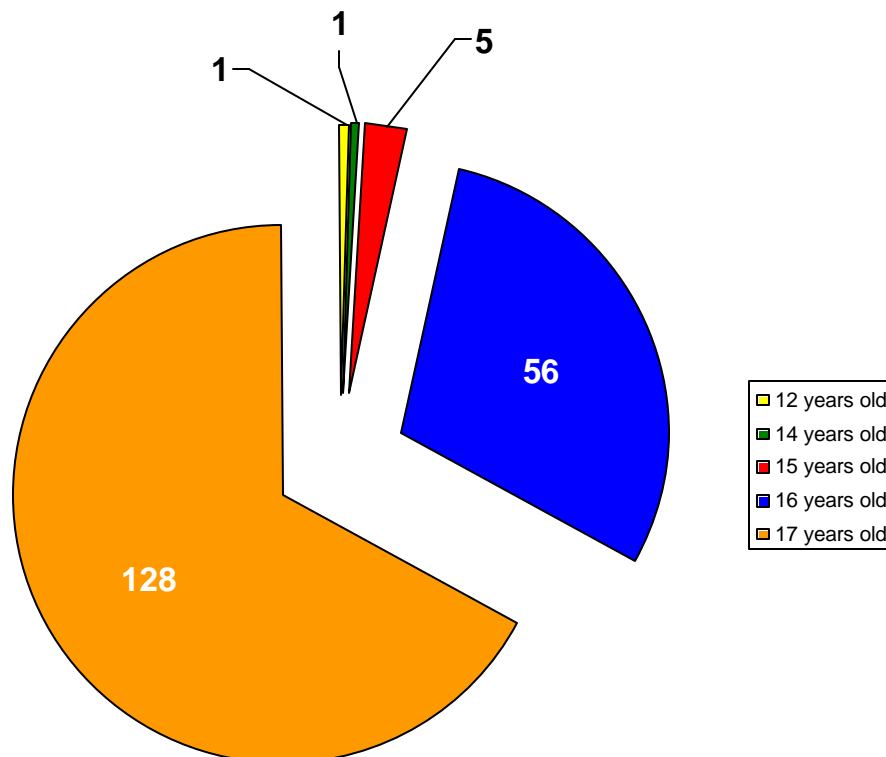
In fiscal year 2008-2009, there were 191 lost-time injuries to workers under the age of 18 reported to the Department of Workers' Claims.

According to electronic data submitted to the Department, there was one injury reported for a worker 12 years of age; one injury reported for a worker 14 years of age; five injuries reported for workers that were 15 years of age; 56 injuries reported for workers that were 16 years of age; and 128 injuries reported for workers that were 17 years of age.

Based on the standard industrial classification (SIC) codes represented on injuries to minors during this period, 130 injuries occurred in the Retail Trade sector and 29 injuries occurred in the Services sector. The Construction sector reported six injuries; the Transportation/Public Utilities sector reported six injuries; the Agriculture, Forestry and Fishing sector reported five injuries; the Public Administration sector reported four injuries; the Wholesale Trade sector reported four injuries; the Manufacturing sector reported three injuries; the Finance, Insurance and Real Estate sector reported two injuries; the Mining sector reported one injury; and those classified outside of these sectors reported one injury.

The top three causes of injury to minors reported during this fiscal year were falls or slips (51), lifting (18) and burns by steam or hot fluids (14). Accordingly, the top three body parts most injured were hands (22), fingers (18) and multiple body parts which were reported in 16 instances.

Distribution of Injuries to Minors by Age



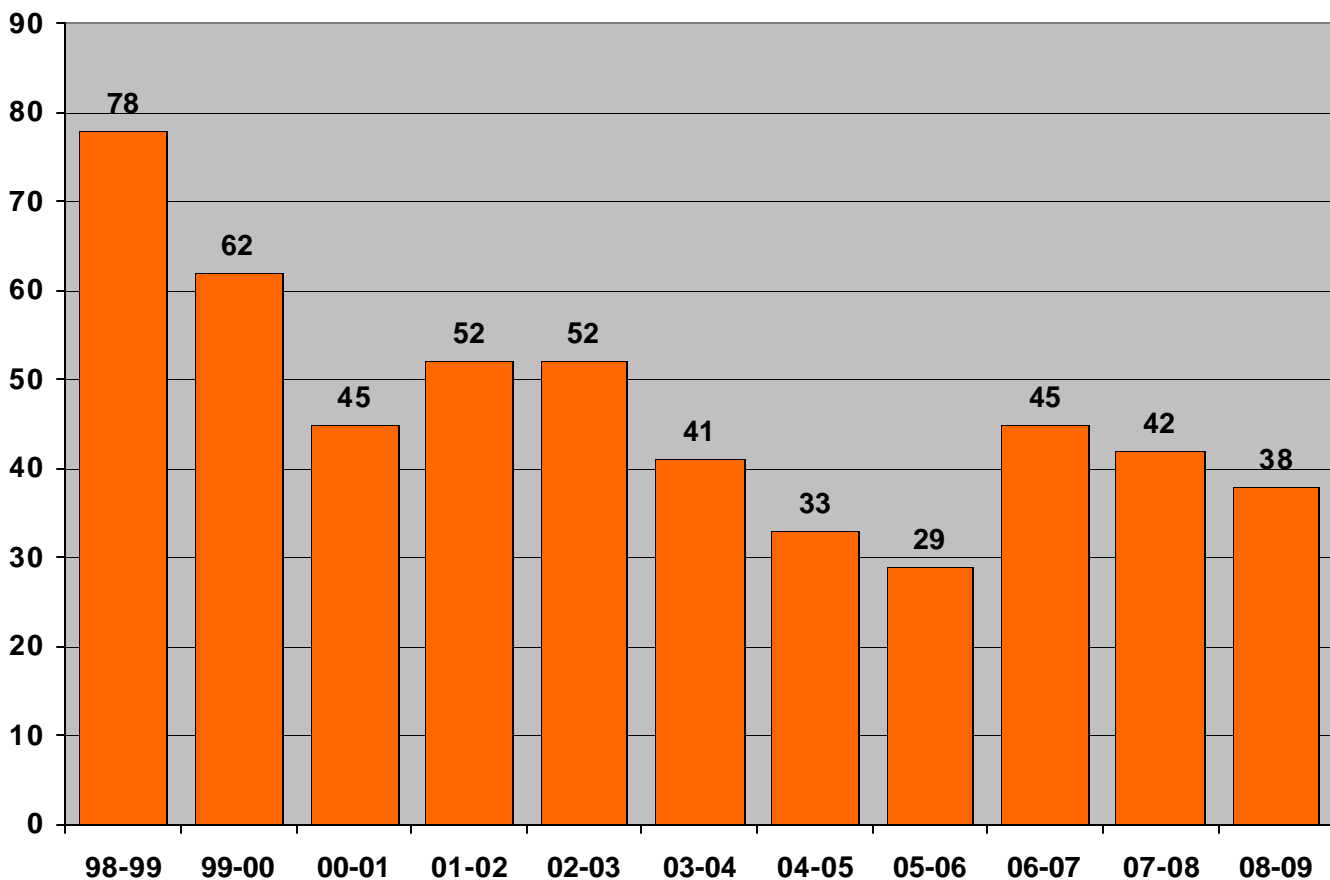
Work-Related Fatalities

There were 98 reports of workplace fatalities reported to the Department of Workers' Claims during this fiscal year. However, after investigation, only 38 of the deaths were determined to be work-related. The remaining have been ruled as not work-related (26), falling outside the reporting period (23) or containing issues which have the case in a pending status (11).

The youngest of the casualties was an 18-year-old male who suffered a head injury after a fall from a ladder. An 80-year-old male was the oldest worker who died from a heart attack. The most common causes of death this fiscal year were motor vehicles (19) and falling objects (6).

The fatalities reported to DWC occurred in a variety of industries ranging from local trucking, saw mills, scrap and waste workers, concrete work, carpentering to horses and other equine services, highway and street construction and lawn and garden.

Distribution of Work-Related Fatalities



The background of the slide is a sepia-toned photograph of a metal safe. The safe has multiple compartments, each with a small label showing a number. Visible numbers include 1754, 1767, 1769, and 17. Several US dollar bills are scattered across the safe's surface, overlapping the compartments. The bills are in various denominations, including \$100, \$50, and \$20. The overall tone is warm and professional.

Fiscal Performance

All the funding for the Department of Workers' Claims comes from a special fund assessment imposed upon the amount of workers' compensation premiums received by every insurance carrier writing workers' compensation insurance in the Commonwealth, and against the simulated premium of every employer carrying its own risk. These funds are collected and managed by the Workers' Compensation Funding Commission (KRS 342.122). These are restricted funds and no general fund dollars are appropriated for DWC operations.

DWC PERSONNEL AD BUDGET HISTORY

FY 1992-93 through FY 2008-09

FISCAL YEAR	PERSONNEL CAP	PERSONNEL ACTUAL	BUDGET ALLOTMENT (\$)	ACTUAL EXPENDITURES (\$)	DIFFERENCE (\$)	PERCENT OF BUDGET EXPENDED
2008-2009	179	167	14,170,100	13,373,435	(796,665)	94.4%
2007-2008	184	160	11,455,000	10,794,005	(660,995)	94.2%
2006-2007	184	167	10,211,700	9,840,070	(371,630)	96.4%
2005-2006	173	156	11,093,300	10,634,776	(458,524)	95.9%
2004-2005	173	163	9,498,700	9,182,865	(315,834)	96.7%
2003-2004	195	188	13,649,200	10,735,937	(2,913,263)	78.7%
2002-2003	242	201	16,397,700	13,384,935	(3,012,765)	81.6%
2001-2002	242	204	15,806,800	13,373,836	(2,432,963)	84.6%
2000-2001	242	208	14,942,300	12,716,927	(2,258,373)	85.1%
1999-2000	268	207	15,637,000	12,387,288	(3,249,712)	79.2%
1998-1999	268	208	14,994,000	12,606,188	(2,387,812)	84.1%
1997-1998	272	227	15,182,500	12,588,527	(2,593,973)	82.9%
1996-1997	272	229	12,137,900	11,057,391	(1,080,509)	91.0%
1995-1996	207	138	9,822,200	9,479,970	(342,230)	96.5%
1994-1995	210	120	9,757,200	8,586,716	(1,170,484)	88.0%
1993-1994	167	159	7,860,000	7,337,688	(522,312)	93.4%
1992-1993	167	160	7,505,100	7,004,561	(500,539)	93.0%

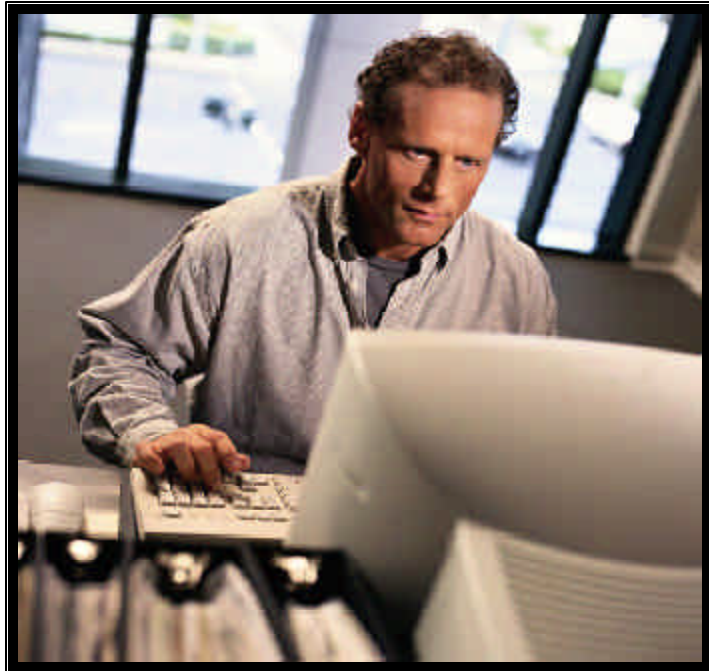
Pursuant to Executive Order #2009-0537, filed on June 12, 2009, the Office of General Counsel for Workers' Claims was established within the Department of Workers' Claims. As a result, the agency position allotment was increased by five positions from 174 to 179.

Programs and Performance



Office of Administrative Services

The Office of Administrative Services responsibilities include ensuring all financial transactions and personnel actions comply with applicable laws and regulations, are executed in a timely manner, and are properly documented and allocated to the appropriate program budget unit. Some of the functions Administrative Services perform include: managing and executing the annual budget and all contracts and leases; responding to all requests for publications and forms; processing all incoming and outgoing mail; procuring supplies and equipment;



maintaining infrastructure for 15 agency locations; coordinating DWC training; and providing daily assistance to all divisions of the Department of Workers' Claims.

The following publications are made available by the DWC:

Medical Fee Schedule for Physicians
Commissioner's Report on "B" Readers
Workers' Compensation Posting Notice
Life Expectancy Tables
Rehabilitation Pamphlet
Compliance Inspection Pamphlet
List of "B" Readers for CWP
Acute Low Back Pain Booklet

Workers' Compensation Forms
Hospital Fee Schedule
Annual Report
Benefits Schedule
Quarterly Report
Present Worth Table
Workers' Compensation Guidebook

The following page contains forms that may be requested through Administrative Services or by accessing the Department of Workers' Claims web site at <http://www.labor.ky.gov/workersclaims>. The only exception to this is the Form 4 which can only be obtained by contacting Administrative Services.

Forms

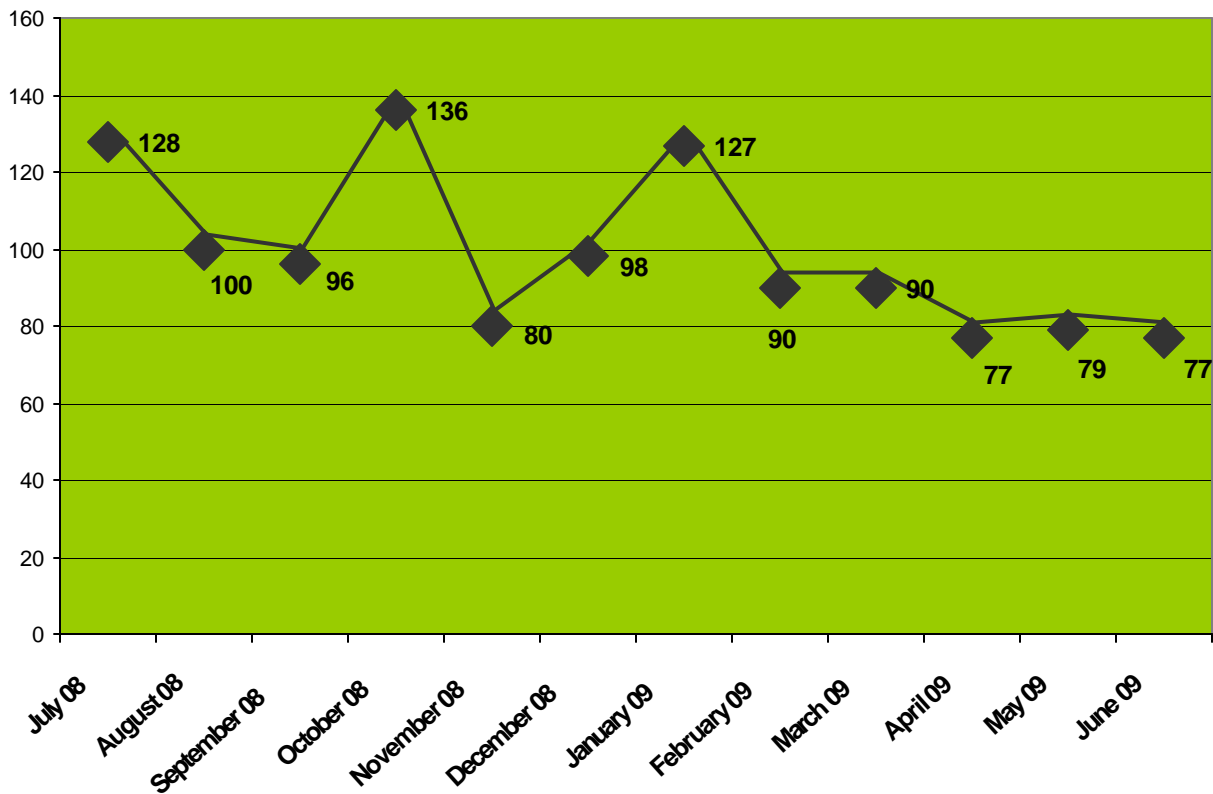
Form AWW-1	Average Weekly Wage Certification
Form 11	Motion to Substitute Party and Continue Benefits
Form 101	Application for Resolution of Injury Claim
Form 102	Application for Resolution of Occupational Disease Claim
Form 102-CWP	Application for Resolution of Coal Workers' Pneumoconiosis Claim
Form 103	Application for Resolution of Hearing Loss Claim
Form 104	Plaintiff's Employment History
Form 105	Plaintiff's Chronological Medical History
Form 106	Medical Waiver and Consent Form
Form 107-I	Physician's Medical Report-Injury
Form 107-P	Physician's Medical Report-Psychological
Form 108-CWP	Physician's Medical Report-Occupational Disease
Form 108-HL	Physician's Medical Report-Hearing Loss
Form 108-OD	Physician's Medical Report-Occupational Disease
Form 109	Attorney Fee Election
Form 110-CWP	Agreement as to Compensation and Order Approving Settlement for Coal Workers' Pneumoconiosis
Form 110-F	Agreement as to Compensation and Order Approving Settlement-Fatality
Form 110-I	Agreement as to Compensation and Order Approving Settlement-Injury
Form 110-O	Agreement as to Compensation and Order Approving Settlement-Occupational Disease
Form 111-I-HL	Notice of Claim Denial or Acceptance-Injury and Hearing Loss
Form 111-OD	Notice of Claim Denial or Acceptance-Occupational Disease
Form 112	Medical Dispute
Form 113	Notice of Designated Physician
Form 114	Request for Payment for Services or Reimbursement for Compensable Expenses
Form 115	Social Security Release Form
Form 120EX	Request for Expedited Determination of Medical Issue
Form 150	Workers' Compensation Statistical Report
Form 375	Application for Split Coverage
Form 375 Wrap Up	Application for Split Coverage (Wrap Up)
Form EL1 and EL2	Employee Leasing Company Registration Form
Form MTR-1	Motion to Reopen by Employee
Form MTR-2	Motion to Reopen KRS 342.732 Benefits
Form MTR-3	Motion to Reopen by Defendant
Form NMRP	Notice of Filing Medical Report
Form Hearing Loss Stipulation	Workers' Compensation-Hearing Loss Stipulation
Form Injury Stipulation	Workers' Compensation-Injury Stipulation
Form Occupational Disease Stipulation	Workers' Compensation-Occupational Disease Stipulation
Form SI-01	Self-Insurers' Guarantee Agreement
Form SI-02	Self-Insurance Application
Form SI-02 Attachment	Self-Insurance Application Attachment
Form SI-03	Continuous Bond
Form SI-03 Attachment	Surety Rider
Form SI-04	Letter of Credit
Form SI-08	Loss Report
Ky Drug-Free Workplace Application	Application/Affidavit/Checklist for Certification of Ky Drug-Free Workplace Program Pursuant to 803 KAR 25:280
Ky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Corporation or Partnership)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit.
Ky Workers' Compensation Act Notarized Affidavit of Exemption by Building Contractor (Individual)	Affidavit of Building Contractor (declaring no employees) which is filed with local building permit.
Manual Change Form	Request for Manual Changes (By Carrier or TPA)
Managed Care - UR Form	Managed Care - UR Form
MIR-1	Motion for Interlocutory Relief-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-2	Affidavit for Payment of Medical Expenses-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-3	Affidavit for Payment of Temporary Total Disability-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
MIR-4	Affidavit Regarding Rehabilitation Services-If you are attempting to fill out this form without counsel, you may contact a workers' compensation specialist for assistance toll free at 800-554-8601.
Service Contract Agreement	Service Contract Agreement

Technical Support Distribution of Requests FY 2008-2009

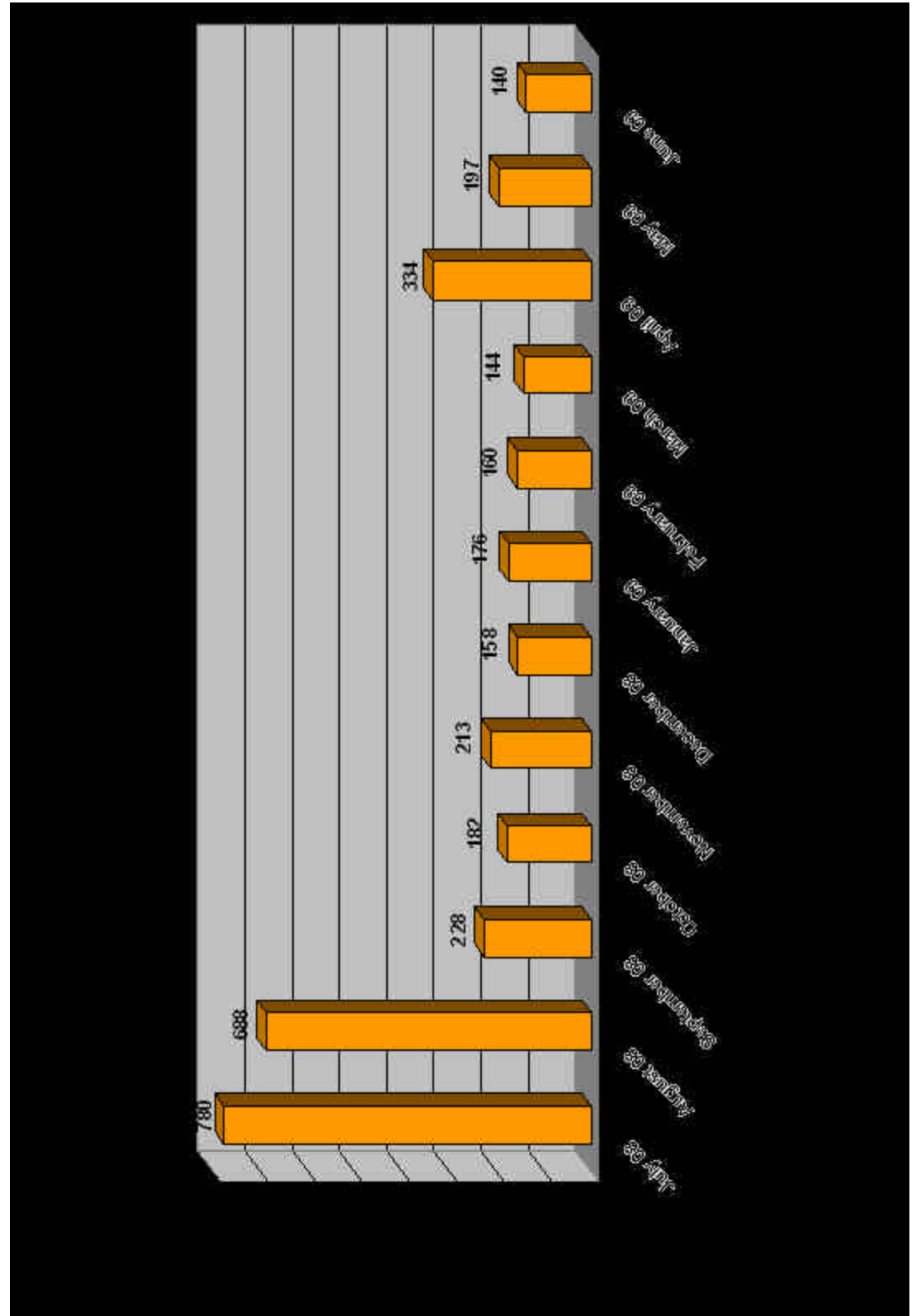
The Technical Support Section consists of four IT staff members and is responsible for the network infrastructure and all computer-related equipment and services for the Department of Workers' Claims. Technical Support staff administers and maintains an Active Directory environment, NT resource domain and three Voice Over Internet Protocol (VOIP) phone systems. The staff researches, configures and upgrades all networks, servers, desktops, laptops, printers and user hardware and software. The staff oversees audio/visual needs of the agency through planning, setup and training on A/V equipment. Staff ensures computer surplus equipment is sanitized to State Auditor's standards. All wireless Blackberry and AT&T data devices are configured and maintained through the Technical Support Section. VMWare virtual server implementation is an ongoing process to consolidate server operations, hardware cost reduction and to aid in disaster recovery.

During this past fiscal year, the Technical Support Section responded to 1178 helpdesk calls and 3400 issues or requests for assistance; managed the networking of two additional field offices; upgraded 56 staff computers; and researched the following: VOIP system upgrade, virtual SAN, A/V conference room configuration and backup power management.

Helpdesk Totals FY 08-09



Technical Support Breakdown of Requests FY 2008-2009



Design and Development Section

The Design and Development Section responds to all development and programming needs for the Department of Workers' Claims. The staff works to enhance the agency's *Server-based System for Information Management and Business Application* (SIMBA), *Electronic Data Interchange* (EDI), and *Proof of Coverage* (POC) programs to meet the evolving needs of the agency and stakeholders. The staff applies new features to SIMBA, EDI, POC, Reports, and Rehab that assists user's day-to-day functions. During this fiscal year, a new policy driven system and POC importer was implemented in SIMBA, which made proof of coverage more automated.



Design and Development staff created the 120EX process for Chiropractic Peer Review. In response to House Bill 534, Insurance Coverage Drop Letters were created and installed. This letter is to notify insureds when there is no coverage on file. The staff designed and published an Online Coverage Lookup Tool on the Department of Workers' Claims web site. The Design and Development staff installed 12 SIMBA builds, 16 SIMBA patches, five EDI builds, seven POC builds, two Rehab builds, and one Report build. During this period, the staff also updated the 992 Table with 2009 Worker's Compensation Benefit

Schedule and Present Worth Table present value discounted at 3.50%. The docket program was rewritten in ASP.NET. In addition, the CompLaw program was monitored and updated monthly. The Design and Development staff completed 710 test track issues and received 685 new test track issues for the year. The staff made modifications to letterhead and envelope templates and SIMBA and EDI form letters were modified.

In addition, the staff created and implemented new status codes, filenet codes and form letters. They also worked on a budget baseline narrative for 2009-2010. Design and Development staff conducted SIMBA training for users, created a Proof of Coverage Implementation Guide that outlines the new POC 2.1 program requirements in line with *International Association of Industrial Accident Boards and Commissions* (IAIABC) Standards 2.1 and made modifications to programs and applications due to personnel changes. The KY EDI Newsletter– June 2009 Vol. 2 edition was e-mailed through the Communications Network to POC/EDI vendors and other parties notifying them of any changes. This fiscal year, Design and Development staff attended six training/conferences.

Office of General Counsel

The Office of General Counsel is responsible for providing legal support services to the Department of Workers' Claims. The office advises the Commissioner's Office as to responsibilities with regard to personnel actions under KRS Chapter 18A, and defends the agency against any actions, personnel or otherwise, that are filed against the Department. Additionally, the Office has responsibility for promulgating regulations required of the Department and drafting and reviewing legislation. The Office provides assistance to the Enforcement Branch in ensuring compliance with workers' compensation laws for imposition of injunctions and fines against employers who neglect or refuse to provide workers' compensation coverage for their employees. In circumstances where an employee is injured and their employer has failed to provide insurance coverage, liens are filed against assets of uninsured employers pursuant to KRS 342.770. The Office is responsible for reviewing open records requests in compliance with the state's open records law. The Office investigates unfair claims practices and is responsible for issuing show cause orders and

representing the Department at hearings when it has been determined that an unfair claims practice has occurred.



During this past fiscal year, the Legal Services Division collected approximately \$1,541,841.00 in fines and penalties. The Office received 883 citation cases, 84 unfair claims settlement practice cases and eight new fraud cases. This office has filed restraining orders and collection actions in circuit court, held formal hearings and show cause hearings before administrative law judges and drafted agreed orders for settlements with regard to the above cases. The Office of General Counsel has also represented the agency, more specifically the Security and

Compliance Division, in hearings, with regard to self-insurance audits, bankruptcy proceedings and insurance company rehabilitation proceedings.

Administrative Law Judges

The Department of Workers' Claims has 19 Administrative Law Judge (ALJ) positions allocated, 16 of which are currently filled. Each ALJ is appointed by the Governor for a four-year term from a list of three names submitted by the Workers' Compensation Nominating Commission. Each ALJ is subject to confirmation by the Kentucky State Senate. One of the ALJs is designated Chief Administrative Law Judge pursuant to KRS 342.230(8).

Chief Administrative Law Judge

The Chief Administrative Law Judge is assigned to the Frankfort, Kentucky office. The CALJ presides over the Frankfort motion docket. In addition, the CALJ rules on settlement agreements in unassigned cases and regularly conducts dockets for coal workers' pneumoconiosis (CWP) cases, as well as conducts hearings in various enforcement actions. The CALJ supervises ALJ activities, prepares a rotation schedule for the ALJs, plans two adjudicator training sessions annually, takes initial assignment of all CWP claims and covers dockets for other ALJs on an emergency basis.



Honorable Donna H. Terry
B.A., 1970, University of Kentucky
J.D., 1972, University of Kentucky College of Law
Appointment date: April 15, 1988
Chief ALJ 1994-1998
Chief ALJ June 23, 2008 - December 31, 2008



J. Landon Overfield
B. A., Political Science, 1970,
University of Kentucky
J.D., 1972, University of Kentucky
College of Law
Initial appointment date: November 15, 1994
Chief ALJ January 1, 2009 - June 30, 2009



Scott Borders
 B.A., Business Administration, 1984,
 University of Kentucky
 J.D., 1987, Salmon P. Chase College of Law
 Initial appointment date: December 7, 2001



Caroline Pitt Clark
 B.A., 1999, Centre College
 J.D., 2002, University of Kentucky
 College of Law
 Initial appointment date: July 15, 2008



John Coleman
 B.A., 1986, Morehead State University
 J.D., 1992, Salmon P. Chase College of Law
 Initial appointment date: January 1998



Chris Davis
 B.A., 1994, University of Kentucky
 J.D., 1998, University of Kentucky
 College of Law
 L.L.M., 2000, Loyola Chicago
 Initial appointment date: January 12, 2007

Administrative Law Judges



Howard Fraiser
B. A., 1984, David Lipscomb College
J.D., 1987, University of Kentucky
College of Law
Initial appointment date: February 12, 2004



Douglas W. Gott
B.A., 1987, Western Kentucky University
J.D., 1991, University of Kentucky
College of Law
Initial appointment date: June 23, 2008



Edward D. Hays
B.A., 1970, University of Kentucky
J.D., 1973 University of Kentucky
College of Law
Initial appointment date: August 1, 2008



Richard Joiner
B.A., Economics, 1972,
University of Michigan
J.D., 1975, University of Kentucky
College of Law
Initial appointment date: September 18, 2001



Joseph W. Justice
 B.A., 1958, University of Kentucky
 J.D., 1962, University of Kentucky
 College of Law
 Initial appointment date: July 15, 2008



James Kerr
 B.A., 1973, Northern Kentucky University
 M.B.A., 1975, Xavier University
 J.D., 1983, Salmon P. Chase College of Law
 Ed.D., 1983, University of Cincinnati
 Initial appointment date: May 1, 1992



Grant Roark
 B.S., 1992, University of Kentucky
 J.D., 1995, University of Louisville
 College of Law
 Initial appointment date: February, 2004



Lawrence F. Smith
 B.S. Ed, 1970, Ohio University
 J.D., 1973, Case Western Reserve University
 School of Law
 Initial appointment date: December 15, 2003

Administrative Law Judges



Irene Steen
B.S., Medical Technology, 1972,
University of Kentucky,
J.D., 1975, University of Kentucky
College of Law
Initial appointment date: May 1990



Otto Daniel Wolff IV
B.A., 1970, University of Cincinnati
J.D. 1974, University of Cincinnati
Initial appointment date: July 15, 2008

Administrative Law Judge Activity

Under the guidance and supervision of the Chief Administrative Law Judge, the ALJs oversee the adjudication of claims filed with the Department of Workers' Claims. The ALJs are required to conduct benefit review conferences and formal hearings in these claims. Thereafter, they are required to issue decisions within 60 days after the date of the hearing. These decisions must contain findings of fact and rulings of law and are subject to appeal to the Workers' Compensation Board, Court of Appeals and the Supreme Court.



Benefit review conferences and hearings are held at the 13 hearing sites in Kentucky maintained by the Department of Workers' Claims. These hearing sites are located in Ashland, Bowling Green, Florence, Frankfort, Hazard, Lexington, London, Louisville, Madisonville, Owensboro, Paducah, Pikeville and Pineville.

During the past fiscal year, the ALJs presided at 4,597 benefit review conferences. A substantial number of those cases were settled. Formal hearings were held in the remainder. The ALJs presided at 2,001 formal hearings and issued 1,687 opinions. The ALJs also participated in two training sessions and attended and/or made presentations to various seminars and groups on workers' compensation topics.

Summary of FY 2008-2009 Published Kentucky Supreme Court Workers' Compensation Cases

Kentucky Container Services, Inc. v. Ashbrook, 265 S.W.3d 793 (Ky. 2008)

Subject: KRS 342.040(1) Statute of Limitations/Notice

The employer's carrier filed a Form IA-2 that did not contain the proper maintenance code to inform the Department of Workers' Claims TTD had been terminated this deprived the Department of the information necessary to comply with its obligation to generate a letter to inform the claimant of the statute of limitations. The claimant did nothing to impede the employer's ability to comply, and the record revealed no evidence of other extraordinary circumstances that would require a decision in the employer's favor. The carrier's failure to comply strictly with the statute and regulation precluded a limitations defense.

Pendygraft v. Ford Motor Co., 260 S.W.3d 788 (Ky. 2008)

Subject: Average Weekly Wage

Profit-sharing bonuses received under a union contract are not "money payments for services rendered" within the meaning of KRS 342.140(6) and are not included in the average weekly wage calculation.

St. Joseph Hospital v. Littleton-Goodan, 260 S.W.3d 826 (Ky. 2008)

Subject: Reopening/Evidence

The requirement set forth in 803 KAR 25:010 that parties designate evidence from the original record relevant to a reopening does not prevent the ALJ from considering any relevant part of the record not designated by a party.

Sweeney v. Kings' Daughters Medical Center, 260 S.W.3d 829 (Ky. 2008)

Subject: Evidence

Chapter 342 and the regulations are silent regarding the weight to be afforded a treating physician's testimony. The legislature's silence evinces a legislative intent to give no particular weight to that testimony.

Durham v. Peabody Coal Co., 272 S.W.3d 192 (Ky. 2008)

Subject: Pneumoconiosis

The consensus procedure mandated by KRS 342.316 for claims based solely on category 1 pneumoconiosis does not violate the 14th Amendment of the United States Constitution or sections 1, 2 and 3 of the Kentucky Constitution.

Hall v. Hospital Resources, Inc., 276 S.W.3d 775 (Ky. 2008)

Subject: Reopening

The four-year period of limitations in KRS 342.125(3) runs from the date of the latest order granting or denying benefits. The Court interpreted the phrase "original award or order granting or denying benefits" as referring to the original award or to a subsequent order that grants or denies benefits.

Summary of FY 2008-2009 Published Kentucky Supreme Court Workers' Compensation Cases

Trico County Development & Pipeline v. Smith, S.W.3d (Ky. 2008) WL 5272773

Subject: KRS 342.185 Notice

An employer's insurance carrier may be viewed reasonably as being its agent or representative for the purpose of KRS 342.185's notice requirement.

Toy v. Coca Cola Enterprises, 274 S.W.3d 433 (Ky. 2008)

Subject: KRS 342.730(1)(c) Multipliers

The words "that employment" and the phrase "[d]uring any period of cessation of that employment" in KRS 342.730(1)(c) refer to the cessation of employment at an average weekly wage the same or greater than the average weekly wage at the time of injury rather than a particular employment.

T J Maxx v. Blagg, 274 S.W.3d 436 (Ky. 2008)

Subject: University Evaluation

It was error for the ALJ to order a university evaluation after taking the claim under submission rather than deciding it based on the evidence of record at that time.

Mitchell v. TFE Group, 276 S.W.3d 814 (Ky. 2009)

Subject: Attorney Fee

Neither KRS 342.320 nor any other statute authorizes a fee for a worker's attorney in an unfair claims settlement practices proceeding before the commissioner.

Alcan Aluminum Corp. v. Stone, 276 S.W.3d 817 (Ky. 2009)

Subject: KRS 342.730(6) Credit for Disability Retirement

Since KRS 342.730(6) does not entitle the employer to an offset for early retirement benefits, an offset for benefits paid under a disability retirement plan must be limited to the amount received in excess of what the worker's early retirement benefit would have been at that time.

Clark County Bd. Of Educ. v. Jacobs, 278 S.W.3d 140 (Ky. 2009)

Subject: Work Related

Attendance at a Beta Club convention was within the scope of the claimant's employment where the school board encouraged the claimant to attend and viewed attendance as advancing the school's mission to educate students and prepare them for adult life. The principal approved the trip to the convention and administrators permitted the claimant to accompany club members during work hours without deducting vacation or sick time.

Kentucky Employers' Mut. Ins. v. J R Mining, 279 S.W.3d 513 (Ky. 2009)

Subject: Insurance

KRS 342.640 considers every corporate officer to be the corporation's employee and makes no exception for shareholders. A corporate officer may opt out of Chapter 342's protection. KRS 342.395(1) and 803 KAR 25:130 require an employee opting out to submit a notarized Form 4 notice of rejection which becomes effective when filed with the Department of Workers' Claims. A policy endorsement does not comply with that method.

Summary of FY 2008-2009 Published Kentucky Supreme Court Workers' Compensation Cases

Cain v. Lodestar Energy, Inc., S.W.3d (Ky. 2009) WL 735837

Subject: Pneumoconiosis

KRS 342.316(3)(b)4.e. requiring submission to the consensus process discriminates against workers whose employers submit evidence of category 1 disease and effectively concede their eligibility for a RIB award and does so solely because the parties' evidence is not in consensus.

Chrysalis House v. Tackett, 283 S.W.3d 671 (Ky. 2009)

Subject: KRS 342.730(1)(c) Multipliers

When read in context, KRS 342.730(1)(c)2 permits a double income benefit during any period that employment at the same or greater wage ceases "for any reason with or without cause", provided the reason relates to the disabling injury.

Tokico (USA), Inc. v. Kelly, 281 S.W.3d 771 (Ky. 2009)

Subject: AMA Guides

Diagnostic criteria listed in the Guides have relevance when judging the credibility of a diagnosis, but Chapter 342 does not require a diagnosis to conform to criteria listed in the Guides.

Crawford & Co. v. Wright, 284 S.W.3d 136 (Ky. 2009)

An ALJ may not relieve an employer from liability for future medical expenses based upon a failure to respond to the motion to reopen to contest them.

Kentucky Employers Safety Ass'n. v. Lexington Diagnostic Center, S.W.3d (Ky. 2009) WL 1441573

Subject: Traumatic Event

A blood splatter in the eye is a traumatic event for purposes of KRS 342.0011(1) entitling the claimant to reasonable and necessary medical expenses.

Vacuum Depositing Inc. v. Dever, 285 S.W.3d 730 (Ky. 2009)

Subject: Idiopathic/Unexplained Fall

Claimant's testimony that she was clumsy and wearing 2 inch heels was not substantial evidence to rebut the presumption in Workman v. Wesley Manor Methodist Home, 462 S.W.2d 898 (Ky. 1977) that her fall was work related.

Speedway/Super America v. Elias, 285 S.W.3d 722 (Ky. 2009)

Subject: Medical Expenses/Spousal Compensation

Forms 114 submitted by a claimant's spouse in connection with the claim for home health care services provided by spouse were "fully completed" within the spirit of the governing regulation although the initial Form 114 provided little detail about the claim. An accompanying letter from the claimant's attorney listed types of services the spouse provided and explained the basis for the amount sought for each time period and the form covered. The employer clearly knew the seriousness of the claimant's injuries, had access to all of his medical records and had paid significant medical expenses including professional home nursing services for more than two years.

Claims Processing & Appeals

The **Division of Claims Processing and Appeals** provides support to the Administrative Law Judges and the Workers' Compensation Board. The key responsibilities of this Division include the timely processing and assignment of Applications for Resolution of Injury (Form 101), Occupational Disease (Form 102 and Form 102 CWP), Hearing Loss (Form 103), and the timely assignment of those claims to the Administrative Law Judges. Additionally, staff prepares widows benefits, prelitigation agreements and appeals from decisions of the Administrative Law Judge to the Workers' Compensation Board, Court of Appeals and Supreme Court.

The major changes for fiscal year 2008-09 revolve around reorganization of the claim processing duties. In previous years, one section (Claims Assignment) encompassed numerous and varied duties involving the processing and assignment of new and reopened claims and medical fee disputes. The main objective for a change was the need to create two specialized sections, each with a distinct focus and a common sense workflow. The decision was reached to split the Claims Assignment Section into two new smaller sections: **Claims Review** and **(new) Claims Assignment**.

Restructuring of the Claims Processing Division did not initially include the **Case Files Section**; however, once this section was streamlined, it became apparent that the next step should be to incorporate their duties and dissolve the "section" status. As of October 1, 2008, two staff members, along with duties of the 'Case Files Section', were repositioned within the Claims Assignment Section. This change also eliminated the need for one supervisory position. Those duties that were moved include: exhibit/x-ray custodian, auditing and purging the resolved files and a multitude of duties involved with the Frankfort motion docket.

With the reorganization of the **Claims Processing Branch** now complete, the filing process has come full circle. We are realizing the benefit of our efforts including better overall service to the Commonwealth and an efficient, manageable work flow. These changes have brought about a more accurate prioritization of the Claims Processing Branch's obligations. We continue to fine tune our methods and procedures, including our commitment for cross-training. Our goal is to have assistance available throughout the division whenever and wherever there is a need.

Claims Processing & Appeals

The Division of Claims Processing and Appeals wishes to take the mystery out of the claims process and to continually improve our services. In an effort toward these goals, we have updated the Web site, <http://www.labor.ky.gov/workersclaims/claimsprocessing/>, to illustrate a directory of our division when our constituents need assistance; to provide an overview of each section denoting their specific duties; to summarize the most frequently asked questions; and to make available the necessary forms for filing.

When it becomes necessary to file a workers' compensation claim, the **Division of Claims Processing and Appeals** is not only the beginning point for these claims, but also for the many transactions that must occur on the claim's path to resolution, as well as the resting place of the closed file. The Division consists of four sections: **Agreement Section**, **Claims Review Section**, **Claims Assignment Section** and **Appeals Section**. Each

of these areas of expertise has submitted the following data for the fiscal year 2008-2009 accompanied by a brief narrative of each section's duties and obligations.

The **Agreement Section** receives and processes all pre-litigation agreements, lump sum settlements and motions to substitute party for widow's benefits. Motions and agreements are prepared on a daily basis for submission to the Frankfort agreement docket for rulings to be made by the Chief Administrative Law Judge (CALJ). Section staff received and processed 4,409 first report agreements; 744 unassigned claim/reopening agreements (medicals and lump sums of remaining benefits); and 174 motions to substitute party/widow's benefits for the 2008-2009 fiscal year.



The new**Claims Review Section** mainly focuses on the routing and preparation work involved in the processing of an Application for Resolution claim filing. This procedure includes insurance coverage research and verification through our insurance database system. In this reporting period there were 3,784 new claim filings of Applications for Resolution of Injury (Form 101), Occupational Disease (Form 102, 102-CWP) and Hearing Loss (Form 103) with the vast majority being “Injury” claims – numbering 3,526.

The new**Claims Assignment Section** responsibilities begin with the assignment of new claims, older claims that have been reopened by order from the Frankfort motion docket and medical fee disputes. Other duties include: routing of motions on unassigned files - to and from the motion docket; court reporter and hearing site scheduling; x-ray and exhibit custodian; and the process of auditing and purging of the completed file once final decisions have been rendered and the time for appeal to the Board has expired. In fiscal year 2008-2009, there were 4,449 new/reopened claims assigned to ALJ’s for a benefit review conference. This number includes 908 cases from the motion docket. Files returned for auditing and purging from the ALJ offices numbered 4,468.

The **Appeals Section** is the other major area of concentration within this Division. The final awards, orders and decisions from the Administrative Law Judges that are challenged must pass through this section to verify timeliness of filings, completeness of records, indexing, scheduling and certification – all in preparation for the Workers’ Compensation Board’s (WCB) review and judgment. If the appeal continues, then section staff readies the files for the Court of Appeals and, if necessary, the Supreme Court. Motions are tracked daily and a docket is prepared weekly. The Appeals Section processed 345 appeals to the WCB during this fiscal year and received final disposition orders on 102 claims. The Board issued a total of 260 opinions. The Honorable John Gardner rendered 93 opinions, the Honorable Bruce Cowden



rendered 90 opinions and the Honorable Franklin Stivers rendered 77 opinions. A total of 362 cases were completed by the WCB either by opinion or final disposition order. Seventy-six petitions for review were filed with the Kentucky Court of Appeals. Section staff prepared, indexed and transferred 73 records to the Court of Appeals, with the court rendering 82 opinions and nine final orders. Additionally, there were 33 appeals to the Kentucky Supreme Court with the court rendering 57 opinions and eight final orders during this 2008-2009 fiscal year.

Information and Research

The duties of the Division of Information and Research include collection, storage and retrieval of data and the dissemination of information. The Division of Information and Research is organized into two branches, the Records Branch and the Imaging Branch. The Records Branch is primarily responsible for data entry, Electronic Data Interchange (EDI), coding, publications, specific data extrapolation associated with open records requests and ensuring the validity and integrity of the DWC's databases. The duties of the Imaging Branch consist of imaging and verifying all hard copy documents as well as indexing them into the DWC's integrated information and optical image system. The Imaging Branch also responds to requests for claim and first report information as well as open records requests.



Records Branch

The Records Branch is a fundamental part of the Department of Workers' Claims (DWC) and is divided into three sections: Data Entry, Electronic Data Interchange (EDI), and the Research Section. These sections combine to ensure reliability, accuracy and integrity within the data that is submitted to the DWC.

The Data Entry Section receives and processes incoming mail, sorting and counting by document type. This section receives the majority of the documents filed with the Department. The section staff is charged with interpreting orders and opinions prepared by the Administrative Law Judges (ALJs) and pleadings filed by attorneys. The staff is responsible for updating the database with numerous status codes to ensure the claim is in the proper disposition as these status codes are used by Department personnel to ensure quality assistance to claimants, attorneys, employers and carriers. During this reporting period, the data entry section received 95,344 pieces of mail, 29,365 orders and 1,700 awards from the ALJ's, as well as 3,622 docket orders. Each document received in the section receives personal attention to ensure data quality.

The Electronic Data Interchange (EDI) system is used by carriers and self-insured employers to report data electronically. This system has been used by Kentucky since 1996. The information transferred via EDI is monitored and coded by **the EDI Section**. There are over 10,000 codes available for submitting specific information about each injury. This information is used for tracking purposes and as system triggers for issuing statute of limitations letters based on the date of injury or last receipt of temporary total disability benefits. Section staff manually enter first report information from the application in the event a claim is filed on an injury or occupational exposure that hasn't been previously reported. This ensures that the agency's records are complete and there is no interruption in workflow. Information compiled by this section is utilized through the Department as the claim progresses throughout the adjudication process. During this fiscal year, the EDI section received 38,042 first reports through the EDI system, manually added 1,476 injury reports and completed 933 change forms.

Programs & Performance

Attorney Fees Awarded During FY 2008-2009

	Number of Fees Approved	Total Fees Awarded	Average Fee
Plaintiff	744	\$3,064,901.03	\$4,119.49
Defense	433	\$1,727,854.32	\$3,990.43

The Research Section collects, reviews and compares information pertinent to workers' compensation and the Kentucky Department of Workers' Claims. Specialized queries are developed to extract data from the Department's database system. Research staff is familiar with the tables contained within the database. Detailed coding, current and historical, is used to identify each document utilized through the claims process, thus allowing specialized reports to be generated for analysis within the section.

The Department of Workers' Claims Annual Report, the Link (Quarterly Activity Report) and the Workers' Compensation Guidebook are a few examples of the publications designed and developed by the Research staff. All of the current publications are being printed and bound in-house on an as-needed basis due to budget constraints. The agency publications are essential in providing constituents and the general public with the knowledge necessary to understand and utilize the workers' compensation system.

Statistical information is requested from a multitude of sources such as government entities, health care representatives, attorneys, the media, legislators and/or private individuals. Data gathered by the research staff is used for assisting in filing a claim, preparation of safety/training programs and updating state and national data banks. Information sharing agreements are in place with a variety of state agencies, i.e. Medicaid, Revenue, Retirement and the Office of Insurance.

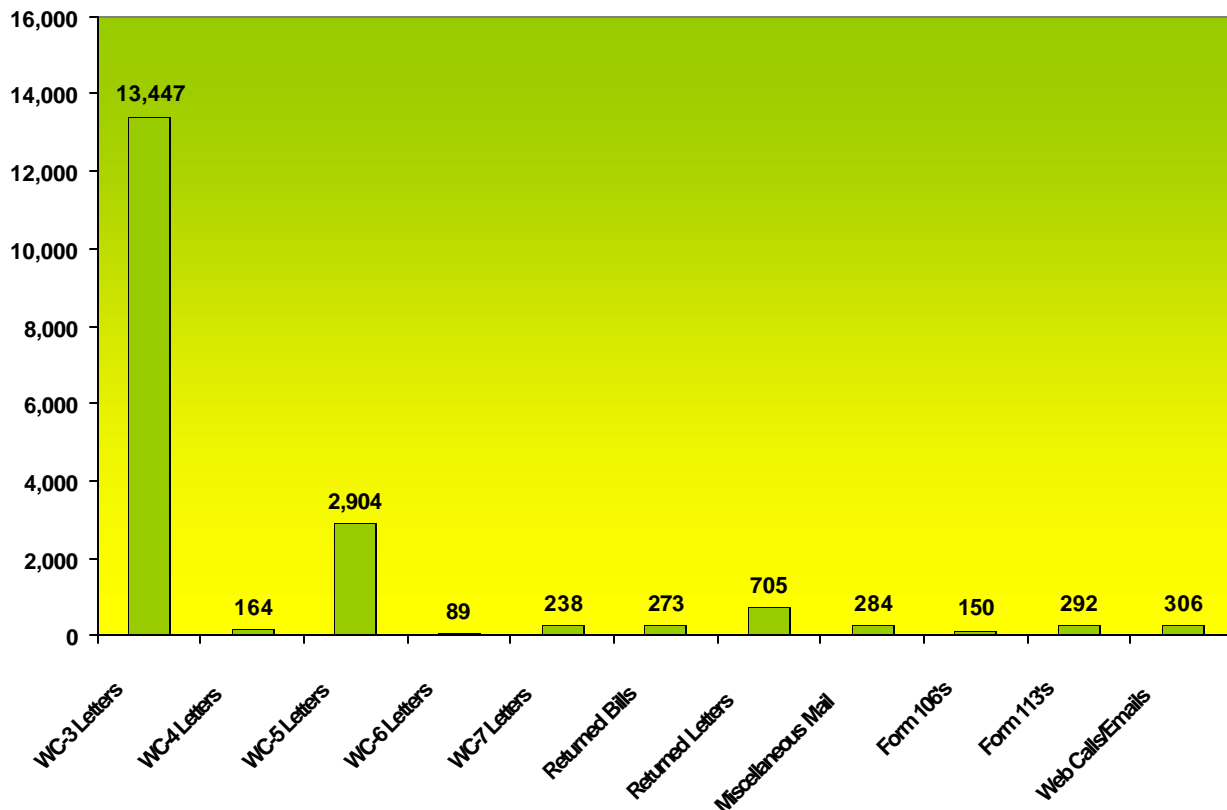
The Research Section maintains and manages the agency web site. Staff also serves as a webmaster for inquiries from the web site and provide the requestor with information and/or answers to their questions or forward them on to appropriate personnel for response. Section staff also creates PowerPoint presentations for the DWC for conferences, speeches, etc.

The Research Section continues to focus on insurance carrier performance. Reports are generated on timely filing of first reports, initial payment of benefits and termination of benefits. Through analysis of information submitted electronically through the agency's Electronic Data Interchange (EDI) system by the insurance carrier, section staff was able to process reports for 14 different insurance carriers this fiscal year.



During this time period, the Research staff processed statute letters (WC letters) and returned mail. WC letters are sent out for a variety of reasons: benefits terminated, untimely filing, denials and fatality letters. The mail totals for this fiscal year are outlined in the following chart.

Distribution of Mail - Research Section



*As of February 10, 2009, the agency web site contact was routed to the Research Section. The last column reflects calls and emails received.

The Imaging Branch

The Imaging Branch is now comprised of two sections: Scanning and Open Records. The Scanning Section is responsible for scanning and verifying all hard-copy documents and indexing them into the agency's integrated imaging system. This fiscal year, 200,783 documents equaling 1,433,225 pages were scanned. Micrographics equipment is located within the branch offices and is available for use by agency staff as well as the general public. The number of microfilm pages printed from these machines during this time period totaled 206,410 pages. Other responsibilities of this branch include document retention and destruction. All documents are maintained in accordance with the Department for Library and Archives retention schedule.

The Open Records staff are charged with the responsibility of responding to requests for claim and first report information pursuant to KRS 61.872(2). Requests for prior claim



history are received from a variety of outside parties, including attorneys, insurance carriers, employers, the Social Security Administration and the general public. During the 2008-2009 fiscal year, 12,701 written requests, three walk-in requests and 9,313 requests from the Social Security Administration were received. In addition to producing hard copy records, oral testimony and certifications are also provided by this section upon request. Available to prospective employers through the Open Records Section is a service of pre-employment screening. Pre-employment requests are only granted after the Department of Workers' Claims has received a written request, accompanied by a signed employee authorization form. Pre-employment inquiries totaled 16,327,

coming in as the most frequently requested material. The amount of money received by the Open Records Section this fiscal year was \$113,572.50.

Pursuant to KRS 150.170, the Open Records Section also verifies workers' compensation awards for the Department of Fish and Wildlife for individuals applying for free hunting and fishing licenses. This reporting period, there were 40 applications processed.

Security & Compliance

The focus of this division is to ensure that non-exempt employers maintain workers' compensation coverage for their employees. This division is comprised of three branches. The Self-Insurance Branch audits the individual self-insured employers' claim files, monitors their financial strength and determines the surety requirements necessary to secure benefits for the self-insured employers' workforce. The Coverage Branch maintains records to document proof of coverage for each insured Kentucky employer. The Enforcement Branch investigates the status of Kentucky employers' insurance coverage through on-site visits to encourage compliance with the workers' compensation act, ensuring that workers within the Commonwealth are protected in the event of a workplace accident.



Self-Insurance Branch

Individual Self-Insurers –At the end of the fiscal year, there were 150 individual self-insured companies, six of which were on the self-insurance watch list.

Two current and four former self-insured companies declared bankruptcy during the year.

The actuarial model used to establish surety amounts for the self-insured employers was reviewed and updates were made to the development factors and to a portion of the program logic. The model was also modified to allow auditors to enter factors that address financial strength of a self-insured and a factor that reflects the degree of hazard employees of a self-insured employer face. The actuarial model will be reviewed each year to ensure the accuracy of the factors being utilized.

There were 179 surety requirement audits and 45 reserve audits conducted during this fiscal year. To date, 320 reserve audits have been conducted. The DWC continues to review the practices of the self-insured companies to assure that adequate reserves are being reported. In addition, reviews have been performed to assist the DWC in determining when a surety reduction requested by a former self-insured is or is not warranted.

Coverage Branch

The Coverage Branch receives information through the Electronic Data Interchange (EDI) documenting proof of workers' compensation coverage from each carrier and self-insured group fund, for employers covered by the Workers' Compensation Act.

An estimated 306 insurance companies, including the competitive state fund Kentucky Employers Mutual Insurance Company (KEMI), insured the Commonwealth's employers during this fiscal year. Carriers submit required Proof of Coverage information through one of the state-approved data collection agents. There are three data reporters approved to submit proof of coverage: Workers' Comp-Link, Claimport (ISO) and National Council on Compensation Insurance (NCCI). Kentucky Employers Safety Association (KESA) and Kentucky Association of General Contractors (KAGC) are approved for direct filing of Proof of Coverage to the Department.

Data is received by a master database maintained by the Coverage Branch. There were 751,101 POC transactions received from carriers during the fiscal year. Of the 751,101 transactions received: 67% or 502,902 were Auto Processed, an increase of 83% over last year; 16% or 122,060 were Rejected, an increase of 80% over last year; and 13% or 100,383 were Manually Processed, a decrease of 51% over last year. These numbers reflect the change to a policy driven database in September 2008, along with the submittal of historical files to build up the database information.

Certifications of coverage, monitoring of "Wrap-up" construction projects, registration of employee leasing organizations, and other special projects complete the responsibilities that are part of normal day-to-day operations.

Enforcement Branch

The role of the Enforcement Branch is to ensure employers subject to the Workers' Compensation Act provide workers' compensation insurance to their employees. This is achieved several ways. To facilitate timely compliance, enforcement officers make random on-site visits to Kentucky businesses to verify compliance. This is the most frequent type of contact. Officers also investigate leads generated by in-house personnel and complaints reported through various sources. Uninsured Employer Fund (UEF) claims are also investigated. In addition, the Branch encourages timely compliance through educational initiatives.

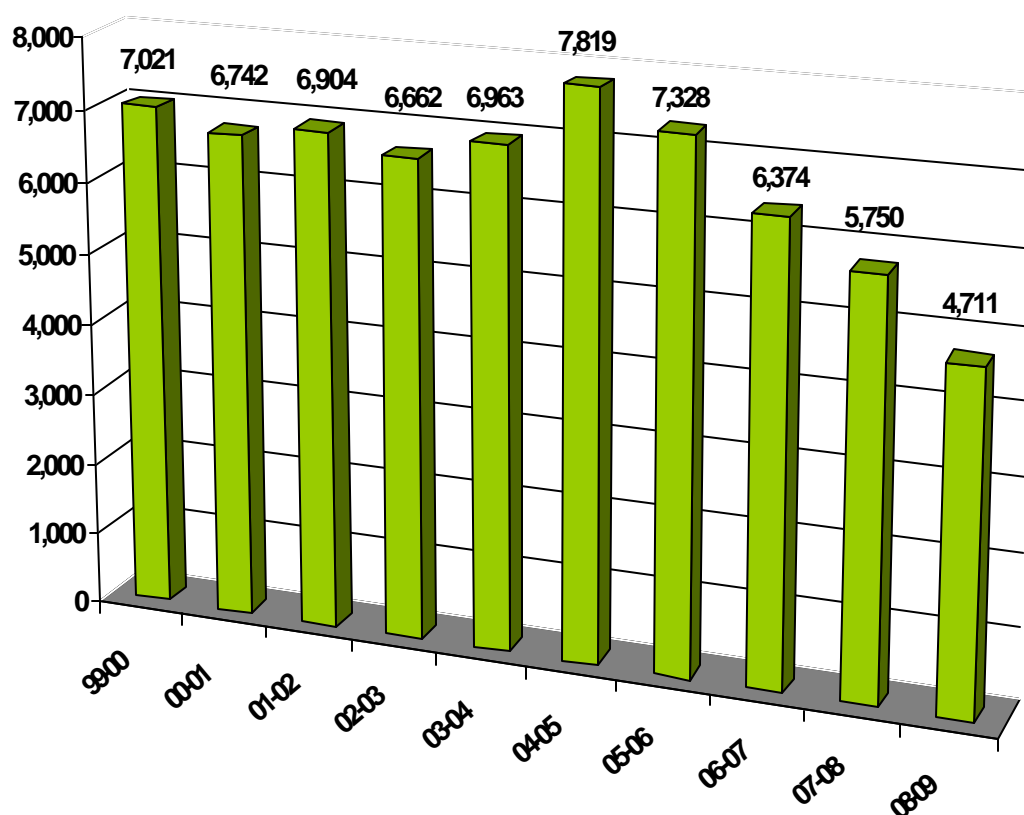
Enforcement officers are assigned to field offices across the state. They use mobile computers to record information at the point of contact. Officers electronically transmit investigations to the Frankfort office. Employers found to be in violation are assigned to a citation docket for the Commissioner's review. Citations with civil penalties are issued and delivered to the employer as authorized by statute. The Branch logs and processes citations through the legal tracking system. Collected penalties are also recorded in this system. In accordance with the statute, penalties are forwarded to the Workers' Compensation Funding Commission. When necessary, officers testify and present evidence in official proceedings. During this fiscal year, the Branch's enforcement officers conducted 10,798 on-site investigations of Kentucky businesses. As a result, the Commissioner issued 979 citations to non-complying employers and collected penalties totaling \$1,533,629.00.

Investigation Analysis Fiscal Years 2004-2009

	FY 03-04	FY 04-05	FY 05-06	FY 06-07	FY 07-08	FY 08-09
Number of Investigations	8,993	10,474	7,797	10,049	10,415	10,798
Number of Citations	709	1,142	1,052	1,000	966	979
Penalties Collected	\$388,826	\$737,755	\$1,192,471	\$1,362,754	\$1,061,323	\$1,533,629

The Branch also has the responsibility to maintain the filing of Employee's Written Notice of Rejection of the Workers' Compensation Act (Form 4). An employee may waive the right to protection under the Act by filing this notarized form with the Department of Workers' Claims. In FY 2009, the Branch received and filed 4,711 Form 4s. The chart below shows the number of employees rejecting coverage for the past 10 fiscal years. Employees rejecting coverage remained relatively constant from 2000 through 2005. Those rejecting coverage consistently declined over the past four fiscal years.

**Employee's Written Notice of Rejection
filed with the Department of Workers' Claims by Fiscal Year**





Division of Ombudsman & Workers' Compensation Specialist Services

The Division of Ombudsman and Workers' Compensation Specialists provides a centralized source of information and assistance. In addition to the Ombudsman and the Workers' Compensation Specialists Services sections, the Medical Services Branch and Vocational Rehabilitation Services Section are included in this division.

This Division maintains toll free telephone lines to assist citizens in workers' compensation matters by answering questions, providing information and attempting to resolve conflicts. Information is also available on the Department of Workers' Claims web site at www.labor.ky.gov/workersclaims.

The Division of Ombudsman and Workers' Compensation Specialists Services is headed by Lucretia Johnson, Division Director and the Honorable John Mann, Chief Specialist.

The Medical Service Branch's primary focus is on cost containment. This section approves utilization review and managed care plans and maintains the hospital fee schedule and medical fee schedule for doctors. This section also schedules university and "B-reader" evaluations.

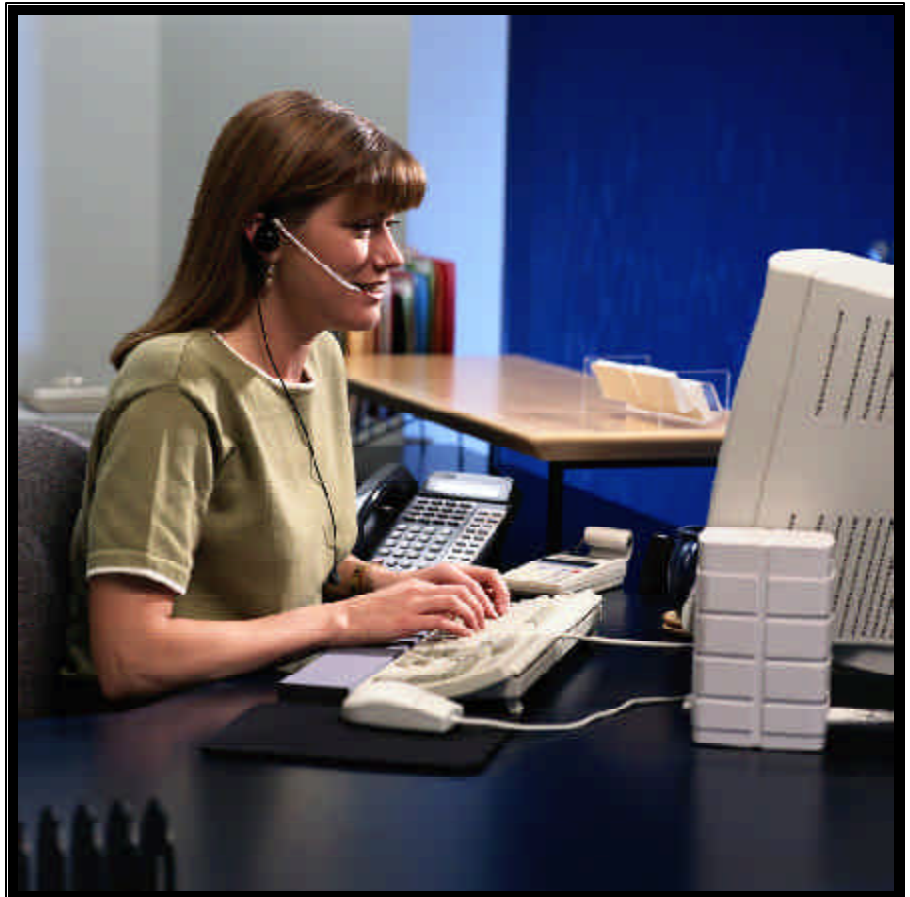
The Vocational Rehabilitation Services section includes retraining and job placement opportunities for the injured workers.

Ombudsman and Workers' Compensation Specialist Branch

Established in 1994, the Ombudsman and Workers' Compensation Specialist Branch is now in its fifteenth year of operation. The Branch currently employs eight workers' compensation specialists throughout the state – five in Frankfort and the remaining three in branch offices in Louisville and Pikeville.

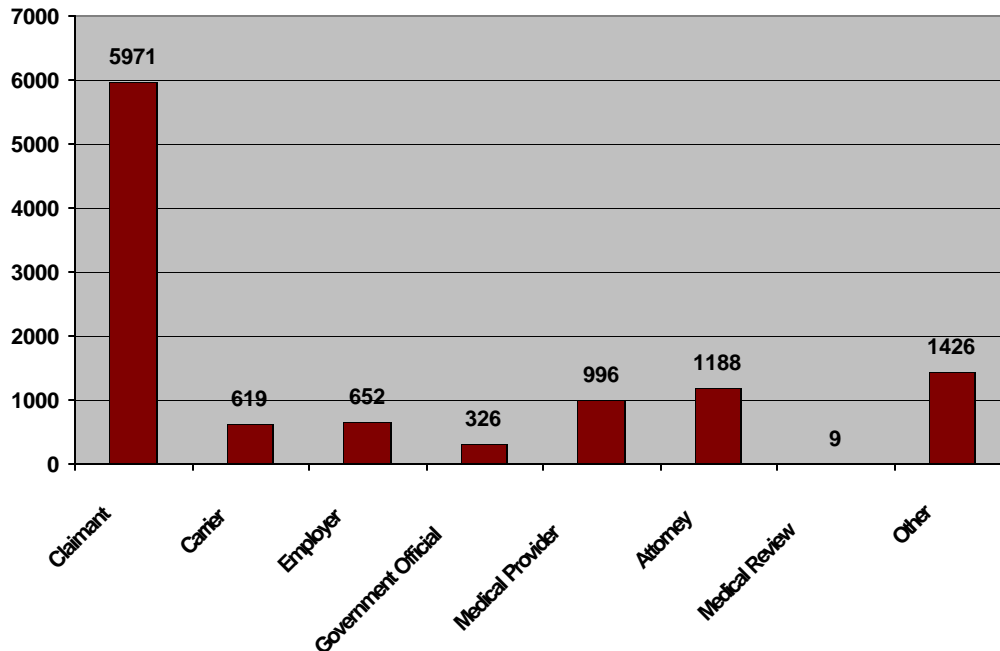
Toll-free telephone assistance is available to callers on all workers' compensation topics of interest to the public, including how to report or file a claim, dispute resolution, benefit information, rights and procedures and other related issues. This branch also responds to constituent services requests from lawmakers and attorneys.

The primary daily activity of the workers' compensation specialists is to assist in the prompt delivery of benefits. This is done by facilitating communication and exchange of information between the injured worker and claims adjusters, employers and medical providers. Care is taken to remain impartial in dealings with all parties.



When a complaint is received that benefits are unreasonably denied or delayed, the Department's legal staff may initiate an inquiry as to whether an unfair claims settlement practice violation has occurred. The Commissioner is authorized to fine an insurance carrier for such violations in the delivery of benefits. Due to new procedures, most unfair claims complaints originate in the Office of General Counsel.

During the 2008-2009 fiscal year, the Division of Ombudsman and Workers' Compensation Specialist Services continued to be proactive in providing assistance and information. They responded to 11,531 requests. Most requests for assistance were completed within a week of initial contact. The chart below reflects a breakdown on the sources of those requests.



Breakdown of Assistance

The table below outlines the subject matter of these requests. The category represented by 'Other' includes such things as the attorney of record, current mileage rate, carrier/insurance agent and questions of a general nature.

Topic	Number of Calls
Rights and Procedures	5580
Claims Status Request	1742
Coverage	689
Other	2071
Form Request	422
Referrals to Outside Agencies	513
First Report of Injury	203
Medical Fee Schedule	45
Claim Filing Assistance	109
Medical Fee Dispute	49
Utilization Review	28
Fraud	37
Managed Care	6
Rehabilitation	7

Drug-Free Workplace

803 KAR 25:280 sets forth the requirements for employers to obtain a certification of a drug-free workplace. These requirements include alcohol and substance abuse education and awareness training for employees and supervisors. All employees shall receive written material explaining the employer's policies and procedures with respect to the drug-free workplace program. All records of drug and alcohol test results written or otherwise received by the employer shall be confidential and shall not be disclosed by the employer.

This voluntary program allows employers to submit applications for certification to the Department of Workers' Claims. If the application is approved, the employer may be eligible for a 5% discount on their workers' compensation insurance premiums.

Currently, the Department of Workers' Claims has received 130 applications of which 72 were certified and seven were renewed.

In June 2009, Hardin County became the first county in the State of Kentucky to apply and become certified as a drug-free workplace. This certification resulted in Hardin County receiving a check in the amount of \$23,645.00, which represented a 5% discount of their workers' compensation premium.

Medical Services Branch

Cost containment and the administration of medically related services are the primary activities of this section of the Department of Workers' Claims. Responsibilities in this division this fiscal year included Managed Care, Utilization Review, and Medical Bill Audit plans, University Evaluations, "B" Reader Consensus Panel, Medical Fee Schedules, and Cost Containment. 803 KAR 25:091 Workers' Compensation Hospital Fee Schedule was revised and effective on June 5, 2009. Plans are underway for the development of the 2010 edition of the Kentucky Workers' Compensation Medical Fee Schedule for Physicians.

Managed Care Section

The Managed Care Section is responsible for approving and overseeing the operations of Managed Care Programs (MCPs) in Kentucky. During fiscal year 2008-2009, there were 40 approved managed care programs in operation.

Managed Care regulates costs by utilizing gatekeeper and specialist physicians, pre-certification of services, aggressive case management and coordination of medical treatment and managed care programs in Kentucky. Assistance was offered to over 644 inquiries regarding managed health care plans during this time period.

Approximately 43% of Kentucky's workforce (excluding agriculture) participated in workers' compensation MCPs this year. The 40 MCPs that were operational covered approximately 4,248 employers and 812,226 employees.

Fiscal Year	Number of Kentucky Jobs	Covered Lives	Percent in MC
1997-1998	1,753,400	721,964	41%
1998-1999	1,795,800	681,213	38%
1999-2000	1,824,500	542,764	30%
2000-2001	1,804,700	600,522	33%
2001-2002	1,786,100	531,731	30%
2002-2003	1,782,900	499,038	28%
2003-2004	1,898,952	647,318	34%
2004-2005	1,878,341	783,077	42%
2005-2006	1,922,163	699,266	36%
2006-2007	1,944,983	700,194	36%
2007-2008	1,902,517	808,375	42%
2008-2009	1,878,891	812,226	43%

Fee Schedules

Mandated by statutory requirements and implemented as a cost-containment measure, the reimbursement fee schedules are routinely updated and distributed by the Department of Workers' Claims. These fee schedules set the limits of amounts physicians and hospitals can charge for treatment or services related to workers' compensation injuries.

Physicians Fee Schedule

The 2008 Kentucky Medical Fee Schedule supersedes all prior fee schedules. It governs physician charges in Kentucky Workers' Compensation cases, utilizing updated coding (2008 CPT codes), procedure description updates, revised reimbursement values and ground rules. Plans are underway for the development of the 2010 edition of the Kentucky Workers' Compensation Medical Fee Schedule for Physicians.

Hospital Fee Schedule

On June 5, 2009, a new hospital fee schedule regulation became effective. Per 803 KAR 25:091, the Kentucky Department of Workers' Claims is required to calculate adjusted "cost-to-charge" ratios for hospitals each calendar year. The hospital fee schedule (cost-to-charge ratio) governs the reimbursement for hospital charges in workers' compensation claims and becomes effective on April 1st of each year. Calculations are determined by using applicable figures taken from each facility's cost report (HCFA-2552) on file with the Cabinet for Health and Family Services. The Department of Workers' Claims promulgated the cost-to-charge ratio for 115 hospitals in FY 08-09. Out-of-state facilities, by regulation, are reimbursed in the same manner as Kentucky hospitals.

Utilization Review/Medical Bill Audit

Utilization Review/Medical Bill Audit is governed by 803 KAR 25:190 and is a review of the medical necessity and appropriateness of medical treatment and services. It was implemented as a cost-containment measure and for managing quality assurances in the delivery of medical services to injured workers.

Workers' compensation claims are automatically selected for utilization review when they meet the following criteria:

- Upon a medical provider's request for pre-authorization
- Upon notification of a surgical procedure
- When total medical costs exceed \$3,000
- When total lost work days exceed 30
- An Arbitrator or Administrative Law Judge orders a review

University Evaluations

During the 2008-2009 fiscal year, there were a total of 246 claims that were referred for university evaluations. Of those, 177 were scheduled at the University of Kentucky and 69 at the University of Louisville. Timely scheduling of university evaluations by the universities and preparing and sending reports are elements that are critical to the success of the program.

As mandated by KRS 342.315, the Department of Workers' Claims has contracted with the University of Kentucky and the University of Louisville medical schools to perform evaluations of employees with workers' compensation claims.

Occupational disease and hearing loss claims are referred for evaluations upon the filing of a claim for benefits. In injury claims, the Administrative Law Judge may order evaluations or they may be requested by the plaintiff or defendant and then referred by the Administrative Law Judge.

Examinations scheduled from 7/1/2008 - 6/30/2009:

	<u>University of Kentucky</u>	<u>University of Louisville</u>	<u>TOTAL</u>
Injury Claims	40	27	67
Hearing Loss Claims	104	26	130
Pulmonary Claims	33	16	49
Total	177	69	246

B-Reader Consensus Panel and Black Lung

Black Lung claims (coal-related occupational pneumoconiosis) require a chest x-ray interpretation by a National Institute of Occupational Safety and Health (NIOSH) certified “B” reader. If the interpretations filed by each party are not in consensus, the claim is forwarded for panel processing. In 2008-2009, there were 79 Black Lung claims referred for the panel process. The Department of Workers’ Claims is required to maintain a list of certified “B” readers. Medical Schedulers are responsible for processing the random selection of “B” readers, sending x-rays to the chosen panel of three and recording and maintaining all reports.



Vocational Rehabilitation Section

KRS 342.710 provides retraining benefits for those who are unable to perform work for which they have previous training or experience because of the effects of work-related injuries.

In FY 2008-2009, the Vocational Rehabilitation Section opened 83 new cases. Of these, 59 were ordered by an Administrative Law Judge. Seven claimants requested training during this time.

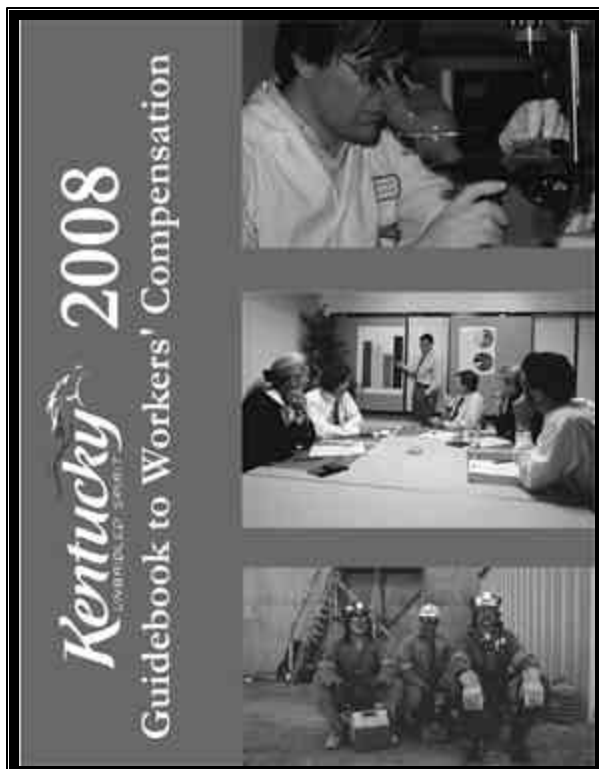
The focus of today’s Rehabilitation Section is early identification of vocational rehabilitation candidates.

Injured workers seeking vocational rehabilitation may be referred for a vocational evaluation and can be tested near their home in one of 15 authorized Vocational Evaluation Facilities located throughout the state.

Publications

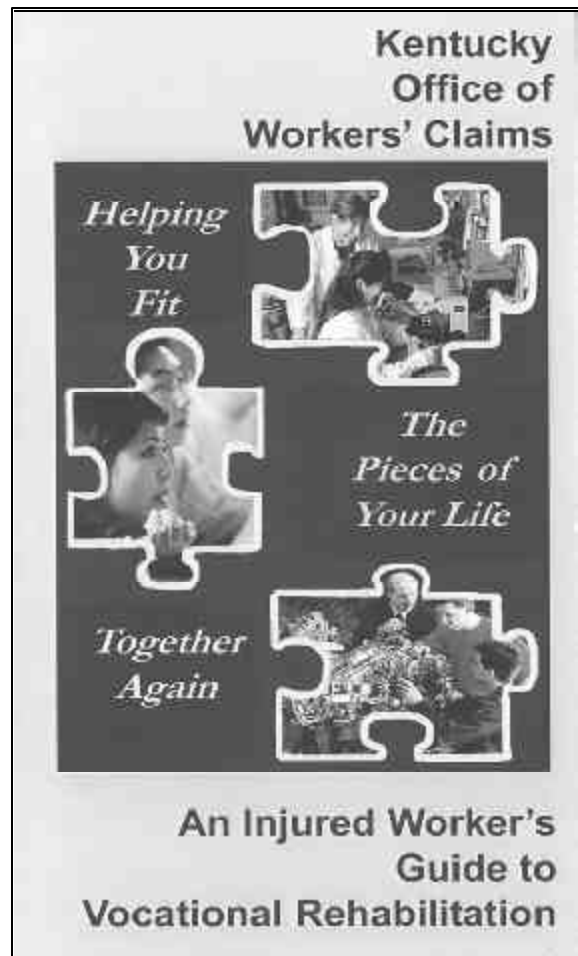


**Coal Workers' Pneumoconiosis
Poster**



Workers' Compensation Guidebook

These publications may be accessed through the agency Web site at <http://www.labor.ky.gov/workersclaims> or by calling the Department of Workers' Claims at 800-554-8601.



Vocational Rehabilitation Brochure

SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

TYPE OF DISABILITY SECTION OF STATUTE	FOR INJURIES OCCURRING					
	01-01-05 thru 12-31-05	01-01-06 thru 12-31-06	01-01-07 thru 12-31-07	01-01-08 thru 12-31-08	01-01-09 thru 12-31-09	01-01-10 thru 12-31-10
APPLICABLE AVERAGE	\$607.23	\$631.22	\$646.47	\$670.02	\$694.30	\$711.79
WEEKLY WAGE OF THE STATE	(2003)	(2004)	(2005)	(2006)	(2007)	(2008)

DEATH (KRS 342.750)

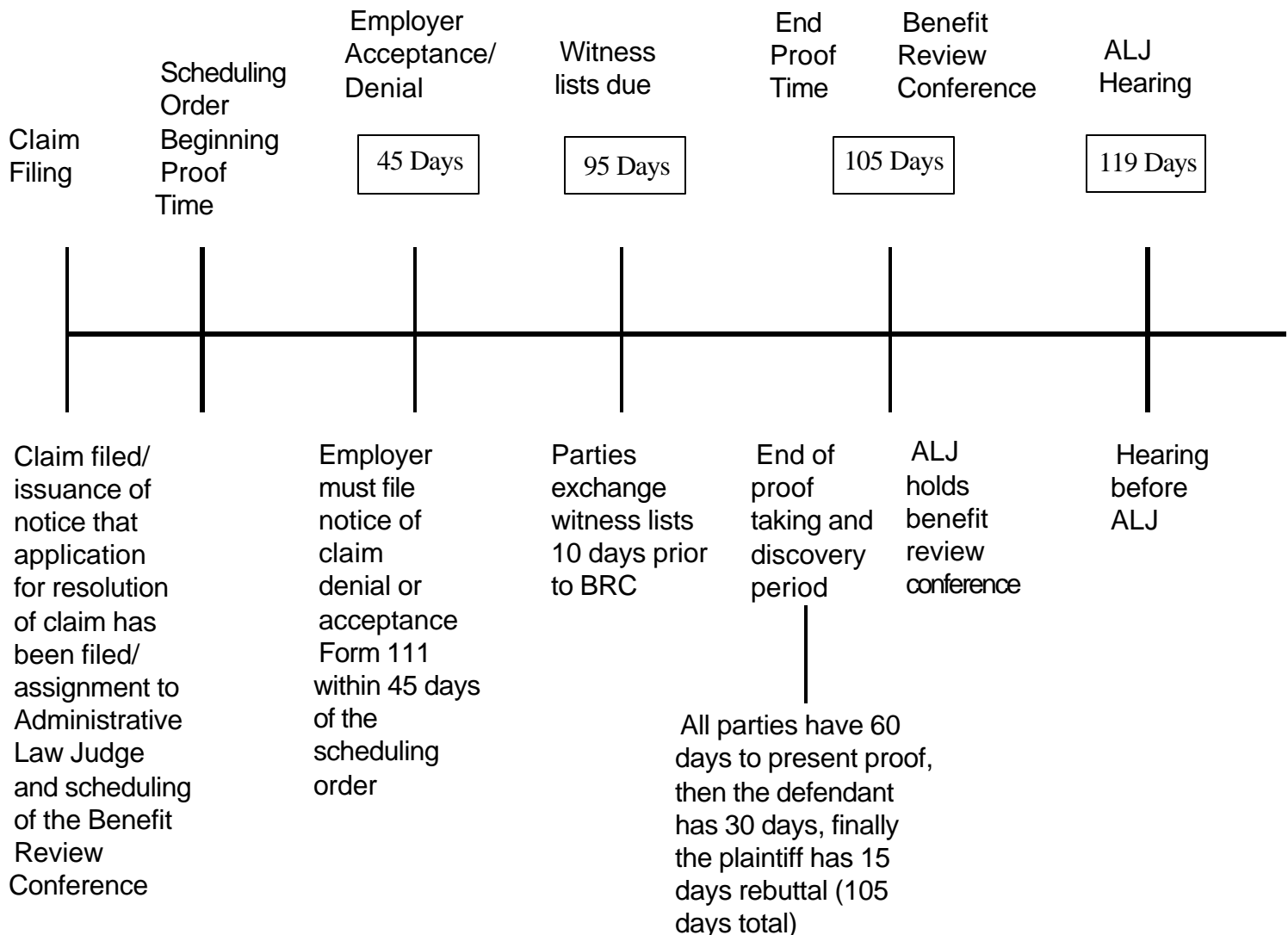
a. Widow or widower with no children-50% of average weekly wage of deceased-subject to the following:						
MAXIMUM	\$303.62	\$315.61	\$323.24	\$335.02	\$347.16	\$355.91
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
b. Widow or widower with children living in the home-45% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
c. Widow or widower with children not living in home-40% of average weekly wage of deceased, plus 15% for each child-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
d. One child, no widow or widower-50% of average weekly wage of deceased-subject to the following:						
MAXIMUM	\$303.62	\$315.61	\$323.24	\$335.02	\$347.16	\$355.91
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
d(1) More than one child, no widow or widower-50% of average weekly wage of deceased for the first child with an additional 15% of average weekly wage of deceased for each additional child-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	21.45	126.24	129.29	134.00	138.86	142.36
e. Dependent parents-25% of average weekly wage of deceased to each parent-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
f. Dependent brothers, sisters, grandparents and grandchildren-25% of average weekly wage of deceased to each dependent-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36

The above is subject to the maximum of 75% of the average weekly wage of the deceased.

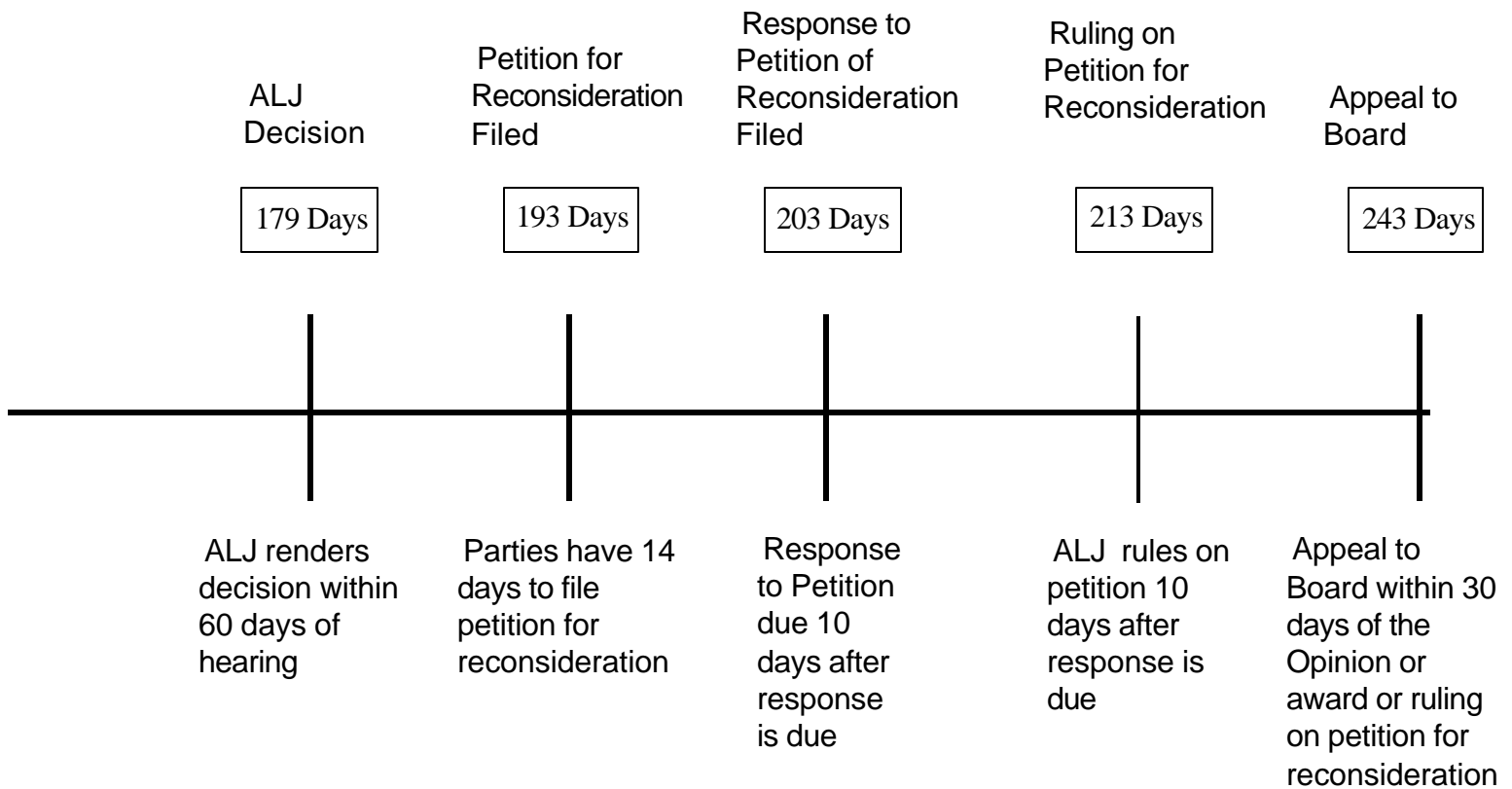
SCHEDULE OF WEEKLY WORKERS' COMPENSATION BENEFITS

TYPE OF DISABILITY SECTION OF STATUTE	FOR INJURIES OCCURRING					
	01-01-05 thru 12-31-05	01-01-06 thru 12-31-06	01-01-07 thru 12-31-07	01-01-08 thru 12-31-08	01-01-09 thru 12-31-09	01-01-10 thru 12-31-10
LUMP SUM DEATH BENEFIT						
INCREASE KRS 342.750(6)						
\$69,916.52	\$59,645.97	\$62,002.42	\$63,500.37	\$65,813.60	\$68,198.54	
TEMPORARY AND PERMANENT						
TOTAL KRS 342.730(1)(a)						
66 2/3% of average weekly wage of employee-subject to the following:						
MAXIMUM	\$607.23	\$631.22	\$646.47	\$670.02	\$694.30	\$711.79
MINIMUM	121.45	126.24	129.29	134.00	138.86	142.36
RETRAINING INCENTIVE BENEFITS						
KRS 342.732(1)(a) 66 2/3% of average weekly wage of employee-subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	NONE	NONE	NONE	NONE	NONE	NONE
PERMANENT PARTIAL						
FOR INJURIES OCCURRING						
AFTER 12-11-96						
KRS 342.730(1)(b), (1)(c)2,&(1)(d)						
99% of 66 2/3% of average weekly wage of employee subject to the following:						
MAXIMUM	\$455.42	\$473.42	\$484.85	\$502.51	\$520.72	\$533.84
MINIMUM	NONE	NONE	NONE	NONE	NONE	NONE
PERMANENT PARTIAL						
FOR INJURIES OCCURRING						
AFTER 12-11-96						
KRS 342.730(1)(c)1, & (1)(d)						
When the employee does not retain physical capacity to return to type of work performed at time of injury- 99% of 66 2/3% of average weekly wage of employee subject to the following:						
MAXIMUM	\$607.23	\$631.22	\$646.47	\$670.02	\$694.30	\$711.79
MINIMUM	NONE	NONE	NONE	NONE	NONE	NONE

Kentucky Workers' Adjudication



Compensation Timeline



Key Personnel*

* at end of fiscal year

Dwight T. Lovan, Commissioner	(502) 564-5550, Ext. 4439
Wayne Logan, Deputy Commissioner	(502) 564-5550, Ext. 4428
Scott Borders Acting Chief Administrative Law Judge	(502) 564-5550, Ext. 4535
Charlie Lowther General Counsel	(502) 564-5550, Ext. 4464
Derrick Hill Technical Support Section	(502) 564-5550, Ext. 4440
Jeremy King Design & Development Section	(502) 564-5550, Ext. 4415
Howard "Cam" Lawson, EDI Administrator	(502) 564-5550, Ext. 4486

Division of Claims Processing & Appeals

Connie Morris, Claims Branch Manager	(502) 564-5550, Ext. 4407
Diana Morgan, Appeals Section Supervisor	(502) 564-5550, Ext. 4457

Division of Information & Research

Fran Davis, Director	(502) 564-5550, Ext. 4578
Sheila Shouse, Records Branch Manager	(502) 564-5550, Ext. 4483
Carol Stevens, Imaging Branch Manager	(502) 564-5550, Ext. 4557
Ashley Estep, Open Records Supervisor	(502) 564-5550, Ext. 4429
Sharon Anderson, EDI Supervisor	(502) 564-5550, Ext. 4416
Terri Robinson, Data Entry Supervisor	(502) 564-5550, Ext. 4402
Kim McKenzie, Web Administrator	(502) 564-5550, Ext. 4484

Division of Ombudsman & Medical Specialist Services

Lucretia Johnson, Director	(502) 564-5550, Ext. 4559
John Mann, Attorney/Chief Specialist	(502) 564-5550, Ext. 4532
Toll Free	(800) 554-8601
Pam Knight, Medical Cost Containment Supervisor	(502) 564-5550, Ext. 4449
Carole Jacobs, Utilization Review	(502) 564-5550, Ext. 4445
Marilyn Thompson, Managed Care	(502) 564-5550, Ext. 4539
Carol Hughes, Rehabilitation Section Supervisor	(502) 564-5550, Ext. 4544
Tara Aziz, Drug Free Workplace Coordinator	(502) 564-5550, Ext. 4555

Division of Security and Compliance

John Burkholder, Director	(502) 564-5550, Ext. 4534
Joe Peters, Coverage Branch Manager	(502) 564-5550, Ext. 4448
Steve Taluskie, Self-Insurance Branch Manager	(502) 564-5550, Ext. 4452
Tom Powell, Enforcement Branch Manager	(502) 564-5550, Ext. 4450

DWC Fax Numbers:

Commissioner's Office	(502) 564-5934	Claims	(502) 564-3792
Administrative Services	(502) 564-8250	EDI	(502) 696-5096
Ombuds & WC Specialist	(502) 564-9533	Security & Compliance	(502) 564-0916
Open Records	(502) 564-5732	WC Board Offices	(859) 246-2779
Medical Schedulers	(502) 564-5741	Vocational Rehabilitation	(502) 564-5741

No individual in the United States shall, on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, be excluded from participation in, or denied benefits of, or be subjected to discrimination under any program or activity under the jurisdiction of the Kentucky Labor Cabinet.

This agency does not discriminate on the basis of race, color, national origin, religion, age or disability in employment or provision of services.

